

2009 Department of Justice Annual Report

The year 2009 was marked with a myriad of accomplishments by the Department of Justice (DOJ). Acting as the legal counsel and principal law agency of government, the DOJ has responded well to the challenges of the time by implementing programs directed towards strengthening the institution, improving public service delivery and protecting the rights of the people.

Legal Mandate

The DOJ derives its functions from Executive Order (EO) No. 292 otherwise known as the Administrative Code of 1987. It is mandated to uphold the rule of law and ensure the effective and efficient administration of justice.

The DOJ is composed of ten (10) attached agencies namely: National Bureau of Investigation (NBI), Bureau of Immigration (BI), Bureau of Corrections (BuCor), Board of Pardons and Parole, Parole & Probation Administration (PPA), Public Attorney's Office (PAO) which has acquired autonomy from the DOJ but is attached to it for program coordination, Office of the Solicitor General (OSG) attached to the DOJ for budgetary purpose, Office of the Government Corporate Counsel (OGCC), Commission on the Settlement of Land Problems (COSLAP) and Presidential Commission on Good Government (PCGG).

THE DEPARTMENT PROPER (OFFICE OF THE SECRETARY)

In the Department Proper, the Secretary of Justice supervises the National Prosecution Service (NPS), the Legal Staff, and the Board of Pardons and Parole. Four Undersecretaries, four Assistant Secretaries and Support Services on Administrative, Finance, Technical and Management matters assist the Secretary in discharging the Department's functions.

NATIONAL PROSECUTION SERVICE (NPS)

The National Prosecution Service (NPS) is mandated to assist the Secretary of Justice in the performance of powers and functions of the Department relative to its role as the prosecution arm of the government, particularly the investigation and prosecution of criminal offenses. The said mandate and present NPS organization is contained in PD No. 1275, as amended, and EO 292, Administrative Code of 1987.

By the end of CY 2009, besides the Office of the Chief State Prosecutor (OCSP) in the Department Proper, the NPS has 14 regional offices with around 200 constituent offices and 100 sub-offices offices for the 136 cities and 80 provinces nationwide. During the same period, the NPS was manned by 1,908 prosecution officers (prosecutors and prosecution attorneys) out of the existing 2,406 plantilla positions (498 or 21% vacancies) and 1,643 administrative support staff out of 1,945 plantilla positions (302 or 16% vacancies). The said NPS personnel were augmented by around 1,000 support staff provided by local government units (LGUs) and other sources.

As shown in *Table 1*, the overall vacancy rate for prosecution officers, while

decreasing through the years, remains high due to lack of takers in many areas and delays in recruitment and appointment. For the support staff, vacancies have increased significantly as a result of the government rationalization program.

Table 1. NPS Plantilla Positions, 2005-2009

| Particulars | 2005 | 2006 | 2007 | 2008 | 2009 |
|------------------------------------|-------|-------|-------|-------|-------|
| <u>Prosecution Officers</u> | | | | | |
| Plantilla Positions | 2,305 | 2,398 | 2,403 | 2,404 | 2406 |
| Filled Positions | 1,397 | 1,584 | 1,728 | 1,827 | 1908 |
| Vacant Positions | 908 | 814 | 675 | 577 | 498 |
| Vacancy Rate | 39% | 34% | 28% | 24% | 21% |
| <u>Support Staff</u> | | | | | |
| Plantilla Positions | 1,796 | 1,945 | 1,945 | 1,945 | 1,945 |
| Filled Positions | 1,678 | 1,751 | 1,713 | 1,687 | 1,643 |
| Vacant Positions | 118 | 194 | 232 | 258 | 302 |
| Vacancy Rate | 7% | 10% | 12% | 13% | 16% |

Investigation and Prosecution Services

In 2009, based on available statistics from reports of prosecution offices nationwide, it is estimated that the NPS handled a total of 350,000 cases for preliminary investigation. This constitutes the bulk of the workload of prosecution officers (this figure does not include pleadings and reopened cases such as motions, petitions for review and court orders). With 1,908 prosecution officers by the end of 2009, the prosecutor–case ratio relative to preliminary investigation can be deduced to an average of one (1) prosecution officer handling 183 cases for the entire year. Out of the said preliminary investigation caseload, an estimated 74% or 260,000 cases were resolved.

As shown in *Table 2*, the said case load and disposition figures for 2009 are significantly lower than those from the previous years due to the new docketing and reporting systems implemented during the year which rationalized the way investigation cases are assigned docket numbers and statistically reported.

Table 2. NPS Preliminary Investigation Case Load and Disposition, 2005-2009

| Particulars | 2005 | 2006 | 2007 | 2008 | 2009 |
|---------------------------|---------|---------|---------|---------|---------|
| <u>Case Load</u> | | | | | |
| Total | 391,382 | 406,243 | 393,521 | 415,535 | 350,000 |
| Average per Prosecutor | 280 | 256 | 228 | 227 | 183 |
| <u>Disposition</u> | | | | | |
| Resolved Cases | 298,147 | 317,602 | 312,153 | 320,806 | 260,000 |
| Disposition Rate | 76% | 78% | 79% | 77% | 74% |
| Pending Cases | 93,235 | 88,641 | 81,368 | 94,729 | 90,000 |

Besides the said investigation workload, around 900,000 to 950,000 criminal cases were prosecuted or represented in the first and second level trial courts in CY 2009. This is based on data provided by the Supreme Court. Thus, an average of one (1) prosecutor handles 472 to 498 court cases (this figure does not include civil/family court cases investigated by prosecutors as deputized representatives of the Solicitor General).

There are various organizational issues and concerns that hamper the performance of

the NPS. The primary concern is severe manpower deficiency for many prosecution offices nationwide due to the many vacancies and/or the inadequate plantilla positions as against the workload and the number of courts. Inadequate physical and logistical resources as well as internal management constraints/weaknesses have also been pointed out as factors affecting performance.

Internal management areas need to improve on the organizational and functional structures, systems and procedures, information dissemination, case management, reporting and performance monitoring, manpower/financial/physical resource management, human resource development, office allocation, and collection of fees. Increased support from the national government is also necessary to further improve operational performance of prosecution offices and reduce the level of support from LGUs, which somehow affects the independence of field offices.

Significant Cases Handled

With the active participation of the NBI and other law enforcement agencies, the NPS successfully prosecuted the drug case against Imam Boratong, in connection with the Pasig City “Shabu Talipapa”, hailed by the agency as its banner criminal case.

The NPS also counts the following as among its significant accomplishments:

- Filing of a string of cases against Mayor Celso delos Angeles, Chairman of the Legacy Group of Companies, for syndicated estafa
- Prosecuting members of the powerful Ampatuan clan for their alleged participation in the Maguindanao massacre claiming the lives of 57 innocent victims
- Filing of criminal charges against the owners and officers of the MV Princess of the Stars that sank off the coast of Romblon claiming the lives of hundreds of passengers
- Filing of murder charges against Senator Panfilo Lacson in connection with the murder of Bubby Dacer and Emmanuel Corbito

Other Functions, Programs, Projects and Activities

Provincial and city prosecutors, deputized by the Offices of the Solicitor General and Ombudsman, act as ex-officio legal counsel of LGUs, serve as the vice chair of the election board of canvassers, and at times, act as local Register of Deeds, in addition to their regular investigative and prosecutorial functions.

The OCSP and Office of the Regional State Prosecutors (ORSP) administer the Witness Protection, Security and Benefit Program, Victims Compensation Program, and together with the Public Attorney’s Office, the DOJ Action Center which renders free legal assistance to the public. The NPS as a whole has also been actively involved in various efforts on human rights/women/child protection, anti-human trafficking, anti-money laundering, anti-drugs, anti-smuggling and tax evasion, anti-terrorism and Katarungang Pambarangay, among others.

Institutional Strengthening and Internal Management Improvement

In 2006, the Department commenced the Organizational Development (OD) Program for the NPS. It has consolidated key reforms into an organized set of strategy-based projects, focused on the rationalization of critical organizational systems, procedures and structures, and planned/undertaken in the context of government-wide and justice system reforms, considering government limitations and resource constraints. The following are the completed and ongoing projects and activities as of the end of 2009:

Procedural Development

- Basic investigative, prosecutorial and case management procedures standardized and embodied by the revised Manual for Prosecutors and DOJ Handbook on Administrative Case Management developed, published, mass produced and distributed among prosecution offices nationwide;
- Initial procedural audits conducted;

Management Systems Improvement

- Rationalized reporting and performance monitoring system implemented;
- Resource management improvement policies developed

Ethical Strengthening and Productivity Enhancement Project

- Development of Codes of Conduct for prosecutors and staff;
- Development of performance standards;

Capacity Development

- 500 copies of the electronic legal research/reference material “Laws and Jurisprudence for Philippine Prosecutors” produced and distributed nationwide;
- Basic orientation seminars conducted in all regions, attended by at least 300 new prosecution officers nationwide;
- Development of basic orientation trainers’ guide for regional seminars;

Review of Organization and Staffing Structures, and Reorganization Efforts

- NPS Internal Management Group constituted and operationalized;
- NPS rationalization plan submitted, including full staffing structure nationwide;
- Functional divisions created in the OCSP;
- Several task forces abolished;

Development of the NPS Information Technology (IT) Infrastructure

- Acquired and distributed around 2,000 computers (with printers) nationwide
- Fully rehabilitated network and internet infrastructure in the OCSP
- Established internet connections in the OCSP and all regional offices
- Conducted regional IT literacy trainings
- Development of the Electronic Prosecution Case Management System (ePCMS).

The Department received and utilized several grants and technical assistance from development institutions including the US Agency for International Development, The Asia Foundation, Millennium Challenge Corporation, and Asian Development Bank. More projects and activities are now in the pipeline and negotiations for further external support are being undertaken to augment the limited Department resources.

Major Plans and Targets

The Department is committed in undertaking the strategies and activities for the NPS under the MTPDP. As earlier mentioned, the primary goal is to progressively increase disposition rate and further reduce backlogs. Also, the Department shall continue to intensify the recruitment of prosecutors and prosecution attorneys. Establishment of the I.T. systems shall proceed as planned under the DOJ-OSEC Information Systems Strategic Plan. Implementation of the new NPS reorganization law will be pursued in order to address the severe lack of plantilla positions in many field offices, uplift the welfare and morale of prosecutors nationwide, and address the lack of takers in many areas.

The NPS OD Program shall also proceed as planned—projects will be pursued, maximizing available resources and existing partnerships with donor institutions. Other projects to be undertaken as planned for 2010 onwards are as follows:

Procedural Development

- Procedural audits in field offices
- Updating and publication of a revised Bail Bond Guide

Management Systems Improvement

- Field visits and reorientation on the reporting system;
- Issuance and implementation of resource management standards and policies;
- Establishment of internal control systems at all levels;
- Developing and publishing an integrated management systems manual;

Ethical Strengthening and Productivity Enhancement Project

- Completion and formalization of the Codes of Conduct and performance standards for the NPS;
- Establishment/institutionalization of accountability/management systems to implement ethical and performance standards;
- Development and publication of manual/s;

Capacity Development

- Access to the Supreme Court e-library for NPS offices;
- Completion of the basic orientation trainers' guide and conduct of regional trainers' training;
- Leadership and management trainings for heads of offices;
- Free MCLE seminars for prosecutors, and regionalization thereof.

Development of the NPS Information Technology (IT) Infrastructure

- Completion, roll out and implementation of the ePCMS;
- Continued computer literacy trainings;
- Acquisition of more IT equipment (computers/printers);
- Alternative sourcing of maintenance/repair services and IT equipment

OFFICE OF THE CHIEF STATE COUNSEL (OCSC) OR THE LEGAL STAFF

The DOJ, through the Legal Staff is the government's counsel general. Pursuant to its mandate, the Legal Staff or the Office of the Chief State Counsel, manned by 34 lawyers rendered, upon request of national government functionaries, including the Office of the President, various legislative committees, as well as senior officials of the DOJ, 256 opinions/

memoranda/comments/legal studies on difficult questions of law attending the performance of their respective functions, which have economic, social and political implications. Aside from the preparation of legal opinions, including opinions of foreign loans, the importance of the role of the DOJ, through the Legal Staff, has been recognized by other government agencies in the negotiation of regional and bilateral trade and investment agreements.

The Legal Staff prepared 10,006 decisions/orders/resolutions in aid of the Secretary of Justice's exercise of adjudicatory power/jurisdiction/appellate or revisory authority concerning controversies between and among government agencies; constitutionality or legality of municipal tax ordinances; grant of special non-immigrant visas and exemption from the Anti-Dummy Law; issuance or lifting of hold departure orders (HDO) and Watchlist orders (WLO); citizenship cases transmitted by the Bureau of Immigration to the DOJ for review.

Its functions also include processing applications for recognition of refugee status pursuant to the obligations of the Philippines as a signatory to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. The DOJ Refugee Processing Unit (DOJ-RPU) was established with some state counsels of the Legal Staff as Determination Officers.

Central Authority of Mutual Legal Assistance and Extradition Treaties

The DOJ, through the Legal Staff, is the Central Authority of the Government of the Philippines in Mutual Legal Assistance and Extradition Treaties. It is the Legal Staff that handles requests for extradition and/or mutual legal assistance and represents treaty partners before Philippine courts. This function also includes mutual legal assistance in criminal matters and transfer of sentenced persons.

The Legal Staff, working with partner government agencies was responsible for the extradition of three fugitives from the United States of America including former PNP officers Cezar Mancao II and Glenn Dumlao for the double murder of publicist Salvador Dacer and his driver Emmanuel Corbito. It likewise worked on the extradition of an equal number of fugitives in the Philippines to the United States including Madhatta Amir Haibe, alleged member of the Abu Sayaff Group. It also facilitated the transfer of Juan "Paco" Larranaga to Spain, who was serving sentence in the NBP for the rape-slay of the Chiong sisters, in compliance with the RP-Spain treaty on the transfer of sentenced persons.

The members of the Legal staff prepared/assisted in the preparation of the following:

- Philippine Reports on the Implementation of the International Covenant on Civil and Political Rights (ICCPR), Convention Against Torture (CAT), Convention on the Protection of the Rights of Migrant Workers and their Families (CMW), Convention on the Rights of the Child (CRC) and Convention on the Elimination of Racial Discrimination (CERD), all submitted to the Office of the High Commissioner on Human Rights (OHCHR)
- Implementing Rules and Regulations of the Alternative Dispute Resolution Act
- RP Model Bilateral Investment Agreement
- National Human Rights Action Plan for the ICCPR
- European Union Justice Assistance Mission (EU JAM)
- Endorsement of the grant of conditional pardon, with conditions, of 8 Alleged Political Offenders (APOs)/Political Prisoners pursuant to the President's directive for

the full implementation of the Peace Agreement with the Rebolusyonyong Partido ng Manggagawa-Pilipinas/Revolutionary Proletarian Army/Alex Boncayao Brigade (RPM-P/RPA/ABB) and for the resumption of formal talks with the Communist Party of the Philippines/National Democratic Front/New People's Army (CPP/NDF/NPA)

Foreign Negotiations

The Legal Staff also actively participated in various negotiations abroad, among which were the RP-EU Partnership Cooperation Agreement, Implementation of the Common Effective Preferential Tariff (CEPT) Scheme for the ASEAN Free Trade Area, ASEAN-India Trade Negotiating Committee Meeting, ASEAN-India Working Group on Investment, and ASEAN Coordinating Committee on Investment (CCI). Negotiations were also made on treaties on extradition and mutual legal assistance in criminal matters with the United Kingdom of Great Britain and the Northern Ireland, which have both been signed on September 18, 2009 during the official visit of President Gloria Macapagal-Arroyo to the UK. Exploratory talks were also held for an MLAT with Japan and TSPA with Kuwait.

BOARD OF PARDONS & PAROLE (BPP)

Pursuant to Act No. 4103 dated December 5, 1933 and Executive Order No. 83 dated January 11, 1937, the Board of Pardons and Parole (BPP) was mandated to grant parole to prisoners, recommend to the President the grant of Absolute Pardon, Conditional Pardon and Commutation of Sentence, and take part in the rehabilitation of the parolees/pardonees through the Technical Service of Parole and Probation Administration which acts as the service arm of the BPP.

For the year 2009, the BPP acted upon 5,056 carpetas (prison records) and resolved 4,894 cases either for parole, commutation of sentence or pardon. This also included cases of seriously ill and old age prisoners transmitted to the Office of the President. Disposition rate was 96.79%.

The BPP also tackled infraction reports and acted on requests such as transfer of residence, death reports, lifting of Orders of Arrest and Recommitment, requests for authority to travel abroad and cancellation of parole.

In carrying out its mandate, the BPP conducted interviews of prison inmates in the 8 national penitentiaries and penal colonies. The jail visits included the PMA stockade, PMA, Fort del Pilar, Baguio City, Baguio City Jail, Benguet Provincial Jail. It is an active party in the implementation of the DOJ Jail Decongestion Program and the DOJ Outreach Program in giving legal advice and assistance concerning parole/executive clemency matters.

The BPP's regular operations are supported by an automated document tracking system and the performance monitoring system.

Special Programs

The DOJ, by law or through its own initiatives, is implementing programs to support its mandate of efficient and effective administration of justice. The implementation of these special programs has increased the capability of the DOJ in improving its operations and address specific concerns.

DOJ Action Center (DOJAC)

Working with the Public Attorney's Office (PAO), the DOJ has also set up the DOJ Action Center (DOJAC) to attend to the legal needs of the public. The DOJAC started out as an assistance center in the Department Office in Manila, but in 2004, it was expanded to the regions and is now a coordinated function between the NPS offices and the PAO.

The primary purpose of the Program is to provide assistance to people, especially the marginalized sector, in the speedy resolutions/actions of problems encountered with DOJ offices and agencies or any other government office. Walk-in clients and callers can talk to a lawyer or paralegal officer for needed assistance. DOJAC has been replicated in regional and provincial offices to provide provincial clients readily accessible free legal assistance and other DOJ services.

For the year 2009, the DOJAC has served 139,000 clients nationwide as reported by NPS field offices.

Witness Protection, Security & Benefit Program

Instrumental in the successful prosecution of criminal cases is the Witness Protection, Security and Benefit Program, which is being administered by the NPS.

The WPSBP has also been instrumental in the 254 convictions of the 266 important cases where the program provided support to primary witnesses. Among these cases were the murders of media personalities: Edgar Damalerio, Allan Dizon and Marlene Esperat.

Prosecution of heinous crimes has been strengthened through the Witness Protection Security and Benefit Program (WPSBP). Witnesses often decline proposal to testify for the prosecution not only because of fear of physical harm but more often because of economic dislocation. The Program, though under resourced, has admitted 148 witnesses for the period of January 1, 2009 to December 31, 2009.

The speedy conviction of the accused in the murders of journalists Edgar Demalerio, Allan Dizon and Marlene Esperat has been secured through the testimony of witnesses under the Program.

The WPSBP is also actively involved in protecting witnesses in connection with the November 2009 Maguindanao massacre. In support of law enforcement, intelligence and drive to speedily resolve the cases, program resources have to be applied above the customary level to these national interest cases, most especially in the recent Mindanao massacre.

Active participation and support to the government's anti-terrorism drive, undertaken by the Program, entailed identifying and securing material witnesses and their relocation to safe locations. This includes the spate of terror bombing attacks in Region 9 and 12 during the period.

The Program continually seeks to strengthen and improve its services for the effective and efficient prosecution of cases.

Victims' Compensation Program

In the administration of justice, the state has also the responsibility to indemnify victims of heinous crimes and those who have been unjustly accused and imprisoned. The Victims' Compensation Program is a manifestation of the States' concern for those whose lives have been ravaged by injustice and lawlessness.

During the period 2009, the Board of Claims received and processed 2,659 applications for compensation of victims of heinous crimes and illegal detention. It disposed 84.56% of the total number of applications.

Task Force 211

Acting as a coordinating body among government agencies and even religious and civil society, Task Force 211 has successfully achieved its mandate of harnessing and mobilizing all stakeholders to prevent, investigate, prosecute and punish political violence. Since its creation on November 26, 2007 through the issuance of Administrative Order 211, the group was tasked to craft measures that will thwart further politically related violence in the country, thus helping to ensure peace and security all over the archipelago. The Task Force is composed of the Department of Justice as the lead agency, Departments of National Defense, Interior and Local Government, Office of the National Security Adviser, Office of the Political Adviser, Office of the Presidential Adviser on Peace Process, Presidential Human Rights Committee and Philippine Information Agency.

Among its major accomplishments are the convictions of Rafael Cardeno and Joy Tungol Anticamara for the killing of Young Officers Union Spokesman Baron Cervantes and Mediaman Armando Pace in Digos City, respectively.

The Task Force also facilitated the immediate resolution of four (4) cases of media killings, each within an average of less than two (2) weeks. The killings involved journalists Bert Sison in Sariaya, Quezon, Dennis Cuesta in General Santos City, Martin Roxas in Roxas City and Arcio Padregao in Gingoog, Misamis Oriental. It has also revived cold cases where progress has been stalled during police investigation due to alleged reluctance of witnesses and/or lack of sufficient evidence. The Task Force, with help from the DOJ Legal Staff was able to extradite several accused in the 9-year old murder case of publicist Salvador Dacer and his driver Emmanuel Corbito, namely Cezar Mancao and Glenn Dumlao.

Other cases involving the murder of media personalities are strictly monitored by the Task Force to ensure that the case will be resolved in the most expeditious manner and that the victims and their families achieve justice under existing laws.

The Task Force also played a vital role in the quick and efficient investigation of the

Maguindano massacre by gathering witnesses, coordinating with police investigators and ordering the NBI to conduct a parallel investigation. The necessary actions in the investigation of the case were swiftly done with the available resources of the Department and its law enforcement and prosecution agencies. Together with the Task Force 211 and the PNP, the partnership resulted to the apprehension of the suspects and the filing of information in court against the alleged perpetrators of a powerful political clan in Maguindanao. Vital witnesses in the incident were admitted to the WPSBP.

The Task Force maintains a database of cases and incidents allegedly involving political violence and extrajudicial killings. The national matrix of cases can be accessed through the Task Force's website at <http://www.taskforce211.com.ph>.

Anti-Terrorism Council (ATC)

The country has been subjected to several terrorist attacks and hundreds of families' lives have been affected. In most of these attacks, the perpetrators were caught and filed with appropriate charges. Moreover, with the passage of the Human Security Act also known as the Anti-Terror Law in 2007, the Anti-Terrorism Council was formed to address the problem of terrorism.

It has actively pursued an information campaign against terrorism by conducting seminars and workshops. It prepared reports to the United Nations and monitored the listing and delisting of individuals and groups linked to the Al Qaeda, Taliban and other terrorist groups in the country.

The Council, in its three (3) years of existence, was able to neutralize around 793 terrorists in the country from 2004 to 2009.

As of August 2009, the court has decided on nine (9) of the cases involving terroristic acts, three (3) of which were handed down in 2009.

Inter-Agency Council Against Trafficking (IACAT)

The IACAT, chaired by the DOJ, is the body created by law to coordinate and monitor the implementation of Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003".

For 2003 to 2009, the DOJ received a total of 577 TIP cases, one hundred fifty (150) of which are pending resolution at the prosecutors' offices, seventy (70) were dismissed at the prosecutors' level and three hundred fifty seven (357) were filed in court. Of these, eighteen (18) were successfully prosecuted or convicted.

The IACAT developed and launched the database on Trafficking in Persons (TIP) to monitor all reported cases on trafficking.

In partnership with the Department of Health, with assistance from medical associations and practitioners in the Philippines, the IACAT formulated the Implementing Rules and Regulations on Organ Trafficking to address the alarming reports of abuse and exploitation of organ "donors", most of them poor and unemployed.

Standard Operating Procedures for Task Forces Against TIP in international airports have been developed on its anti-trafficking campaign as international airports are seen as the last staging area for trafficking at source and transit areas prior to final destination.

The Ninoy Aquino International Airport (NAIA) Task Force, that operates 24/7, investigated and assisted eight (8) complainants, for the filing of six (6) TIP cases with the Department. It also assisted nine (9) victims repatriated from Dubai, and has investigated a total of sixty-one (61) off-loaded passengers, for alleged lack of travel and employment documents, bound for Amsterdam-Rome, Paris, Dubai and Hongkong, respectively.

It has conducted continuous trainings of prosecutors, law enforcers and members of airport task forces on anti-trafficking and related laws.

Juvenile Justice & Welfare Council

The implementation of RA 9344 or the Juvenile Justice and Welfare Act has put into perspective that children in conflict with the law (CICL) are not supposed to be brought into the formal criminal justice system. The DOJ has been charged with the implementation of the law together with other government agencies and has come up with interventions and diversions that would prevent the CICL from taking part in the formal criminal justice system which has been found to be detrimental to their welfare and development.

The council is mandated by law to provide policies, capacitate and enable the implementers, respond to the lack of infrastructure for CICL particularly at the local level, conduct continuing evaluation and research on juvenile justice and welfare system, make the public fully understand the general intent and provisions of the Juvenile Justice and Welfare Act.

For 2009, the JJWC conducted the following activities:

- Policy Formulation and Program Development.
 - Organized the National Summit on Juvenile Justice attended by 339 delegates from the 17 regions and major stakeholders where issues on juvenile justice were discussed and recommendations were made
 - Submitted to the Supreme Court its proposed revisions to the Rules of Court on CICL
 - Reviewed the CHR tool for jail visits and DSWD training manual for the Barangay Child Protection Councils
 - Participated in the technical working group as a member created by the House of Representative's Committee on Justice to draft a substitute bill
- Inventory/Data Banking
 - Compiled directories of service providers
- Coordinating and Monitoring
 - Facilitated the acquisition of Certificates of Live Birth from the National Statistics Office for CICL detained in Sablayan Penal Colony and Manila City Jail
 - Endorsed 50 cases of CICL to the PAO and the referral of clients to other government agencies
 - Conducted unannounced visits and inspections in city jails in Manila, Quezon City, Caloocan and Paranaque and youth homes, and police stations in Paranaque, Manila and Taguig including those in Northern Samar and Samar to ensure

- compliance with the law. CICLs found in these detention centers were transferred to CRADLE, ERDA and PREDA,
- Technical Assistance to Agencies/LGUs
 - Conducted capacity building seminars/trainings for personnel of agencies and local government units in administering the juvenile justice welfare system.
- Research and Evaluation
 - Conducted a follow-up research on Discernment, the outcome of which will be the basis for the determination of the age of criminal responsibility
- Coordination with the Court
 - Coordinated with the Supreme Court on the conduct of an inventory on Conviction and Sanctions of CICL

Special Committee for the Protection of Children

While JJWC takes care of the needs of the CICL, the DOJ has also programs on child protection, in this case, dealing with children who are victims of abuse, exploitation and discrimination.

The Committee has formulated policies in protecting the rights of children. This includes the right of the child to privacy, the right to confront the offended party without jeopardizing the child's identity and empowering the child to speak and be a witness against the offender. The Prosecutors' Manual for Child-Related Cases was published to guide prosecutors on child-sensitive approaches in the investigation and prosecution of cases involving children. A guide for media practitioners was also formulated to shield children from the effect of indiscriminate publicity.

For 2009, the SCPC accomplished the following:

- Monitored 12,360 child abuse and exploitation cases through the Offenders' Database
- Facilitated the coordination among agencies in responding to cases of child abuse, the most significant of which is the trafficking cases of infants from Jala-Jala, Rizal under the *modus operandi* known as *Sahod Lampin*; or the simulation of infants' birth referred by the Inter-Country Adoption Board making these infants the subject of commercial adoption. Other cases include those that are being investigated and handled by the Department and the Child Protection Unit Network of the Philippine General Hospital.
- Coordinated with other child-protection groups on child support services
- Enhanced capacities of 131 state prosecutors in formulating child-sensitive resolutions
- Conducted child advocacy efforts through a Poster-Making Contest and film showing on the rights of children
- Conducted outreach programs/activities to assess the protection needs of children living in institutions in coordination with the Department of Social Welfare and Development (DSWD)

- Established of pilot child-friendly facilities in partnership with the United Nations Population Fund (UNFPA) and the Gender & Development (GAD) Committee in Davao City for Region XI, Angeles City Prosecution Office for Region III and the DOJ Action Center in the DOJ Main Office
- Continued localization of the Comprehensive Program for Child Protection (CPCP)

Justice System Infrastructure Program (JUSIP)

In December 1988, President Corazon C. Aquino established a Committee headed by the Secretary of Justice, as Chairman, to implement the Justice System Infrastructure Program or (JUSIP) and provide decent office buildings and offices for judges, prosecutors, public attorneys and parole and probation officers. The selection of JUSIP projects depends primarily on the actual condition of the existing court building or facilities and the availability of a suitable building site. The donation of the building site to the Department is an auditing requirement.

JUSIP has 16 ongoing projects in various stages of construction with a total cost of P300,976,022.37. Some funds for these projects were already transferred to the DPWH who will implement the project.

There are 21 projects in the pipeline under the Year 2008 DOJ Budget. The delay in the implementation of these projects was attributed to the following: 1) delay in the submission of the building plans and programs of works; 2) non-submission of the deed of donation covering the project site; and 3) delay in the signing of the Memorandum of Agreement.

As of December 2009, JUSIP spent P2, 589, 906, 525.58 for the construction of 279 new buildings; for the repair/renovation/rehabilitation of 28; and for the improvement/development of 41. Projects lined up for 2009 have been identified in six (6) locations namely Leyte; Kalinga; Masbate City; Dapa, Surigao del Norte; Del Carmen, Surigao del Norte and Malolos, Bulacan (Phase II).

DOJ Housing Project

In accordance with Proclamation No. 792 s. 1992 and 1076 s. 2006, a portion of the New Bilibid Prison Reservation had been allocated for housing projects of DOJ employees and other government agencies. In 2009, 60% of land development was completed while 128 housing units were awarded to qualified beneficiaries.

Support to Operations

The Administrative, Finance & Management, Management and Technical Services actively supported department operations.

For the year 2009, the following offices undertook support of core operations and high impact programs for the DOJ:

Finance and Management Service (FMS)

The FMS counted among its accomplishments the full utilization of release allotment by the Department of Budget and Management. Through its efficient and effective administration and management of meager government financial resources, the Department was able to continuously operate and implement special projects and relevant activities..

Administrative Service

The Administrative Service is charged with the efficient and effective management and maintenance of the Department's resources. The highlight of its accomplishments for the year is the construction of the new building for prosecutors and other offices. This is Phase II of the construction of the DOJ Annex Building 3. It also facilitated the construction of the new DOJAC office that has made the program more accessible to the public.

Technical Staff

In carrying out its functions, the Technical Staff heard and resolved administrative cases of DOJ employees. It has managed well the review of contracts, purchase and job orders essential for the procurement of equipment and supplies for Department operations. It rendered comments on various bills as referred by the Department Legislative Liaison Office.

Management Services Office

The accomplishments of the MSO include the development of information and technology systems and infrastructure in the Department and NPS field offices to enhance efficiency and effectiveness in communications and operational systems.

In implementing the plans and programs, it has enlisted and strengthened partnerships with donor agencies/institutions that provided support in terms of technical assistance and additional resources for institutional development.

NATIONAL BUREAU OF INVESTIGATION (NBI)

The National Bureau of Investigation (NBI) was originally established under Commonwealth Act No. 181. In 1947, the then Division of Investigation was reorganized into a Bureau by RA No. 157. Later that same year, it was again reorganized into its present setup and functions through EO No. 94.

The NBI is mandated to establish and maintain a modern, effective and efficient investigative service and research. It is touted as the government's premier investigating agency, acting as the national clearinghouse of criminal cases.

Investigative and Intelligence Services

The Investigative and Intelligence Services, including Regional and District Offices of the Bureau, received 12,480 cases in 2009, a light increase of 3.4% from last year's 12,070 cases. It also rendered special and miscellaneous services to 53,335 cases.

The Bureau terminated 12,145 criminal cases, an increase of 6.1% from last year. Of

these, 4,274 were recommended for prosecution. It has also located 237 subjects/persons by virtue of warrants/orders of arrests issued by different courts nationwide and through requests made to locate missing persons.

NBI experts in the fields of forensic medicine and chemistry, questioned documents, ballistics, polygraphy, dactyloscopy and investigative photography terminated 16,965 cases with 1,729 court appearances. These include the examination and analysis of 43,954 specimens.

Clearances

For the year 2009, the NBI received and acted upon 4,677,580 applications for clearance or a daily average of 19,329. The NBI Clearance-on-Wheels have been further extended to universities and colleges of different cities and municipalities nationwide.

Significant Cases Handled

Significant cases handled by the NBI included:

- Busting the notorious Alvin Flores armed robbery group in the Rolex store heist at Greenbelt 5, Makati City
- Continuing drive against violators of intellectual property rights resulting in the seizure of large quantities of assorted fake items in the total amount of P1,125,733,108 and the filing of charges against owners, operators and occupants of 299 establishments in Metro Manila
- Arresting Datu Unsay town Mayor Andal Ampatuan Jr. in connection with the massacre of 57 people in Manguindanao on November 24, 2009 and the filing of multiple murder charges against him and 27 others who allegedly participated in the massacre
- Conducting a rescue operation of an abducted victim in San Pablo City, Laguna resulting in the arrest and filing of kidnapping and serious illegal detention, robbery and violation of PD 1866 as amended and charges against Arig Mancao, Malawani Junior y Muslimen, Ismael Barambangan y Sumangayan, Radia Moda Muslimen y Abdullah and Muslimen C. Sahara were filed
- Recommending the filing of Anti-Graft and Corrupt Practices charges against Legacy Consolidated Plans Inc. Chairman Celso delos Angeles, Securities and Exchange Commissioner Jesus Enriquez Martinez and son Gian Paolo
- Recommending filing of charges against Dr. Hayden Kho for the filming of sexual encounters with actress Katrina Halili in violation of the Anti-Violence Against Women and Children Act
- Raided a shabu warehouse in Balut, Tondo, Manila leading to the arrest of Chinese nationals Wu Tzu Chuan, Lito Ang and Chen Jun Yang and the seizure of Php200 million worth of methamphetamine hydrochloride and the filing of charges against them for violation of the Comprehensive Dangerous Drugs Act of 2002
- Recommended the prosecution of Maximiano Masongsong, suspect in the killing of Jimmy Lopez, witness in the Dacer-Corbito double murder case
- In cooperation with the Legal Staff of the Department, successfully extradited former PNP officers Cesar Mancao II and Glenn Dumlao suspects in the double murder case of publicist Salvador “Bubby” Dacer and his driver, Emmanuel Corbito

Challenges and Constraints

The NBI Marikina Satellite Office was not spared by the Typhoon Ondoy that flooded Metro Manila in 2009. The records stored thereat were either damaged or destroyed.

Resource limitations and constraints remain to be challenges such as the inability to replace old and outdated office and technical equipment as well as dilapidated office structures.

Major Thrusts and Programs for 2010

The thrusts and programs of the NBI are as follows:

- Construction of the new NBI Clearance Center in the Taft Compound and the NBI-LUCDO in Lucena City
- Renovating, upgrading and/or repairing existing facilities to include the expansion of the NBI Database Center, NBI Shooting Range, installation of a Citizens' Database Information System
- Developing a Case Monitoring System focused on tracking complaints filed with the Bureau
- Strengthening and continuously building working relationships and linkages with other local and international law enforcement agencies and with private sectors for crime prevention and resolution of cases
- Upgrading the quality of information and intelligence gathering on criminal activities, neutralizing terrorist personalities and conducting disruption operations against planned terrorist operations
- Procurement of state-of-the-art equipment, additional vehicles, additional short and long firearms, and reference/test materials
- Improvement and upgrading of the Bureau's Information and Communication Technology capabilities (e-payment scheme) including the installation of an electronic payment system to further reduce queuing in NBI Clearance Processing Centers and the renewal of clearances via internet
- Transfer of NBI offices to strategic areas such as San Fernando City and the MIMAROPA Regional Center

BUREAU OF IMMIGRATION (BI)

The BI is principally responsible for the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940, otherwise known as Commonwealth Act No. 613, as amended. BI is also tasked to “adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement” under RA 9208 Anti-Trafficking in Persons Act of 2003.

The BI also known as the main gatekeepers of the country's borders, monitors aliens within the Philippine territory and strictly enforces immigration rules through the use of modern facilities. The agency now has the capability to thwart the entry of foreign terrorists and those involved in transnational crimes and blacklisted aliens through its direct connection with the International Police. Working with other law enforcement agencies, the agency

arrested suspected international terrorists, illegal aliens and other foreign offenders.

From January to December 2009, under its border control and management program, it has monitored and screened the arrival of 2,865,729 foreigners, a slight decrease of 4% compared to the same period last year. Please see *Table 3* below on the top ten list of foreigner arrivals:

Table 3. List of top ten foreigner arrivals by nationality

| | |
|------------------|---------|
| 1) Americans | 679,263 |
| 2) Koreans | 523,142 |
| 3) Japanese | 331,270 |
| 4) Chinese | 225,576 |
| 5) Australians | 139,731 |
| 6) British | 124,934 |
| 7) Canadians | 116,079 |
| 8) Taiwanese | 81,146 |
| 9) Malaysians | 69,250 |
| 10) Singaporeans | 66,228 |

During the same period, 3,099, 349 were monitored and screened to have arrived from different parts of the world in the country's various airports.

Immigration Control

The BI offloaded and excluded some 4,517 passengers with incomplete or tampered documents while 976 passengers were not allowed entry on grounds of improper documentation, possibility of becoming public charge, and for other reasons. Continued measures to tighten and maintain stringent screening of passengers by immigration officers at the NAIA and monitoring of these resulted to their exclusion from entering the country.

Revenue Collections

Also noteworthy is BI's revenue collections to the national treasury of the revenues earned from visas and other immigration related fees in the total amount of P2,026,598,116.55 for the year 2009. Other than law enforcement services, the BI has also cultivated an investor-friendly process that could attract financial investors to the country. It has opened 16 immigration offices in strategic regional areas. Through the newly launched Special Visa for Employment Generation (SVEG) or the job generation visa, the program was able to generate employment to 33,004 Filipinos. Under this new visa program, a foreigner who invests in the Philippines and employs at least 10 Filipinos will be considered special non-immigrant with multiple entry privileges and conditional stay, without need of prior departure from the Philippines. The privilege also extends to his spouse and dependents.

Other Significant Achievements and Projects

Other significant programs of the BI include the following:

- In the implementation of the Bureau's Regionalization/Decentralization Program, the objective of which is to make immigration services more accessible to the Bureau's clientele, as well as enhance and boost its monitoring and regulation functions to foreigners in the country; 10 additional immigration area offices were established encompassing 17 geopolitical subdivisions, clustered accordingly.
- Hosting the 13th Meeting of the Association of Southeast Asian Nations (ASEAN) Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs and Fifth ASEAN Immigration Intelligence Forum. These forums highlighted the opportunities and challenges to national security brought about by globalization and the opportunities for regional partnership and cooperation as well as combating transnational crimes starting from within ASEAN member states
- Creation of the Bureau's Special Task Force on Anti-Human Trafficking and Anti-Illegal Recruitment - tasked to develop and execute strategies against modus operandi or syndicates that tamper and sell spurious travel documents and facilitate the criminal prosecution of illegal recruiters and their protectors as well as human traffickers
- Implementation of the New Arrival/Departure Card
- Enhancement of the functions of the Composite Committee on Good Governance
- Creation of the Public Information and Assistance Unit
- Retirement of the Old Uniform and commissioning a New Uniform for Immigration Officers
- Creation of the Airport Operations Division
- Implementation of the Visa Free Entry (7 days) in the country of Chinese nationals with current American, Japanese, Australian, Canadian or Schengen Visa in support of the national government's program of promoting economic advancement and tourism development
- Creation of the BI Communication and Advocacy Network
- Introduction of the BI-Interpol Unit
- Implementation of the Bureau's Anti-Red Tape Act Projects and Activities
- Scrapping of the Exit Fee for Returning Former Filipinos to the country (Balikbayan)
- Purging of the BI Derogatory Records of Unnecessary or Obsolete Watchlist Orders
- MOA signing between the Bureau of Immigration, Bureau of Customs, Bureau of Quarantine and the POEA
- General renovation of BI Main Building in Intramuros, Manila

BUREAU OF CORRECTIONS (BUCOR)

The Bureau of Prisons was created on November 1, 1905 under the Department of Public Instruction through Reorganization Act of 1407 of the Philippine Commission. The Bureau was renamed from “Prisons” to “Corrections” on November 23, 1989 under Section 26 of the Administrative Code of 1987, to emphasize rehabilitation as the primary goal of the Bureau. The Bureau of Corrections is mandated by law to accomplish its twin objectives of effective rehabilitation and safekeeping of national prisoners.

The BuCor undertook reengineering of its organization allowing a paradigm shift from the punitive to restorative and rehabilitative correctional system for those who are

confined in the country's 8 national penitentiaries.

To achieve this mandate, the BuCor has focused its efforts on the following:

Custody and Maintenance of Prison Inmates

For the year 2009, the BuCor has in its custody 35,934 inmates, 4% higher than in the past year, while congestion rate in all prison facilities increased from 70 to 77% with the New Bilibid Prison registering the most at 142% congestion rate. Please see *Table 4* below.

Table 4. Congestion rate in the national penitentiaries and regional penal colonies.

| STATION | CAPACITY | POPULATION | % SHARE | CONGESTION (%) | NO. OF GUARDS | RATIO GD:INM | ADMISSION | | | RELEASES | | | | |
|-----------------|----------|------------|---------|----------------|---------------|--------------|---------------------|--------------|--------------|--------------|-----------|--------------|------------|--------------|
| | | | | | | | 1 st off | Rec | Total | Parole | Pardon | Exp Of Sent | Others | Total |
| NBP | 8,700 | 21,034 | 59% | 142% | 814 | 1:26 | 2,821 | 959 | 3,780 | 947 | 41 | 989 | 161 | 2,138 |
| CIW | 1,000 | 1,726 | 5% | 73% | 29 | 1:59 | 328 | 3 | 331 | 79 | 4 | 50 | 31 | 164 |
| IPPF | 3,500 | 2,984 | 8% | -- | 128 | 1:23 | 22 | 0 | 22 | 203 | 1 | 144 | 2 | 350 |
| DPPF | 3,100 | 5,685 | 15.8% | 83% | 197 | 1:29 | 876 | 29 | 905 | 280 | 5 | 223 | 16 | 524 |
| CIW - Mindanao | 200 | 222 | .6% | 11% | | | | | | | | | | |
| SRPPF | 1,300 | 1,303 | 3.6% | .23% | 85 | 1:15 | 121 | 5 | 126 | 65 | 2 | 52 | 5 | 124 |
| SPPF | 1,500 | 1,564 | 4% | 4% | 73 | 1:21 | 4 | 0 | 4 | 98 | 0 | 63 | 12 | 173 |
| LRP | 1,000 | 1,416 | 4% | 42% | 44 | 1:27 | 277 | 16 | 293 | 79 | 3 | 65 | 0 | 147 |
| As of Dec. 2009 | 20,300 | 35,934 | 100% | 77% | 1,370 | 1:26 | 4,449 | 1,012 | 5,461 | 1,751 | 56 | 1,586 | 227 | 3,620 |
| As Dec. 2008 | 20,300 | 34,547 | | 70% | 1,321 | 1:26 | 4,587 | 909 | 5,496 | 1,614 | 109 | 1,306 | 212 | 3,241 |
| DEVIATION | | 4% ↑ | | 7% ↑ | 4% ↑ | -- | .3% ↓ | 11% ↑ | .6% ↓ | 8.4% ↑ | 49% ↓ | 21% ↑ | 7% ↑ | 12% ↑ |

Inmate Profile

The admission at the Rehabilitation and Diagnostic Center rose to 5,461 above the 3,620 releases. Of these admissions, 4,449 are first offenders while 1,012 are recidivists. Recidivism rate for this year is pegged at 18%.

Inmate profile shows that 62% are between the ages of 22 and 39 years old. 51% of these inmates reached elementary level and majority of them come from the National Capital Region. There are around 187 foreign nationals, 110 of them Chinese.

The most common offenses committed were crimes against persons.

Conditions Prevailing in the National Penitentiaries

Peace and order generally prevailed in the prison compounds. Prisoners continued to engage in livelihood programs, enjoyed family visits and participated in various spiritual activities.

Deaths in custody reached 434, a 15% increase from the previous year. The reasons for such death were attributed to limited funds for health care aggravated by overcrowded conditions in prison compounds. Unnatural deaths were caused mainly by inmates' assault and suicide.

For 2009, the number of escapees is 5% higher than in the past year, while total retrievals is 51% of the number of escapees.

Table 5. Rates of escape, retrieval and deaths in the national penitentiaries and regional penal colonies

| PRISON FACILITIES | ESCAPES | | | RETRIEVALS | | DEATHS | | |
|-------------------|---------|------|-----------|------------|----|--------|------|-----------|
| | 2008 | 2009 | Deviation | CY | PY | 2008 | 2009 | Deviation |
| NBP | 12 | 15 | 25%↑ | 0 | 6 | 244 | 274 | .12%↑ |
| CIW | 0 | 0 | -- | 0 | 2 | 8 | 15 | 87%↑ |
| IPPF | 10 | 18 | 80%↑ | 4 | 3 | 32 | 31 | 3%↓ |
| DPPF | 20 | 22 | 10%↑ | 4 | 2 | 49 | 56 | 14%↑ |
| SRPPF | 7 | 2 | 71%↓ | 1 | 0 | 9 | 18 | 100%↑ |
| SPPF | 13 | 6 | 54%↓ | 4 | 4 | 20 | 12 | 40%↓ |
| LRP | 2 | 4 | 100%↑ | 4 | 0 | 15 | 28 | 86%↑ |
| TOTAL | 64 | 67 | 5%↑ | 17 | 17 | 377 | 434 | 15%↑ |

For 2009, the provision of inmates' basic needs has improved with the increase of the daily food budget from P40 to P50 per inmate and a daily medicine allowance of P3. The monthly budget per inmate was P1,856 or P22,272 per year. This is 4% higher than what was provided in 2008.

On inmate discipline, only 1.3% of the inmate population was subjected to administrative and criminal sanctions. Regular search operations and confiscations to rid the prisons of prohibited items were conducted to prevent further violations while in the Bureau's custody.

Inmate Rehabilitation Services and Livelihood Opportunities

Sports and spiritual activities are part of day-to-day rehabilitation efforts for the inmate with the assistance of various non-government and religious organizations.

Another rehabilitation service rendered to inmates is the BuCor Education Program. Participated by 3,739 who enrolled in formal education and another 3,500 in non-formal education, the program is focused on vocational and skills development to help prepare inmates earn a living upon their release from prison.

One modality employed by the BuCor for drug treatment and rehabilitation is the

Therapeutic Community Program or Behavior Modification Program that helps inmates develop a positive outlook in life and help them acquire positive values and virtues. This program caters to newly committed inmates with drug-related cases.

Juvenile inmates at the NBP also enjoy educational opportunities such as the Practical Electricity and Welding Vocational and Skills Training Courses with help from the TESDA.

In women's prison facilities, female offenders are engaged in livelihood programs in the Correctional Institution for Women in Mandaluyong City. The TADECO packing station in the newly installed Davao Correctional Institution for Women has helped 222 inmates earn a living.

Other livelihood opportunities include agro-industrial employment of 31% of inmate population in private ventures established within prison compounds. This is lower than the 34% posted in 2008. Other livelihood programs deal with rice production, handicraft making, sewing and silk screen printing and soap making.

The production income earned by BuCor reached P14,239,631.16 for the year 2009. This is 10% lower than what was posted in 2008. The construction of the South Luzon Expressway expansion which cuts through the NBP reservation area is said affected to have agricultural production therein.

The BuCor is authorized by law to use its income to augment the BuCor's insufficient budget for inmates' subsistence, maintenance and improvement of prison facilities.

Human Resource Management

Personnel development focused mainly on communication skills development, moral recovery and prison guard basic courses.

For the period evaluated, the bureau subjected 71 personnel to disciplinary action.

Other significant reforms

BuCor ranked 6th place as most compliant to the Integrity Development Action Plan of the Presidential Anti-Graft Commission. It has also established a Citizens' Charter pursuant to the Anti-Red Tape Act of 2007.

In addressing resource constraints, particularly medicines, it has cultivated medicinal plants used as alternative medicines to inmate patients at the NBP Hospital.

The BuCor has also promoted and acknowledged artistic skills of inmates and encouraged them to join in art competitions where two inmates at the NPS won the International Prisoners Art Competition through the Episcopal Commission on Prison

Pastoral Care as part of the reformation process.

Challenges and Constraints

The BuCor encountered the following challenges in its operations and program implementation:

- Congestion problem in NBP, Muntinlupa and other Penal Farms
- Limited budget to enhance Rehabilitation and Livelihood Programs
- The growing prison population necessitates the creation of additional custodial positions
- Lack of Lawyers to attend to legal functions of the Bureau
- Suspension of the implementation of the E-NGAS due to budgetary constraints
- 12% attrition of personnel due to the Rationalization Program.

Major Plans for CY 2010 and Beyond

The BuCor laid out these plans for CY 2010:

- Issuance of Executive Order to implement the BuCor Re-Engineering Program
- Continued Modernization of Information Technology System and its equipment
- Full Computerization of Inmates' Record System and the renovation of the Document's Office into Modular Type
- Creation of Program Management Office under the Office of the Director to monitor the smooth implementation of the functions of line units and the operating prisons
- Enactment of the BuCor's Charter to standardize salary grade of custodial staff
- Implementation of the modified provisions for colonists as approved by DOJ for early release to ease inmate congestion
- Conduct of College and Masteral Degree Program for BuCor employees in the NBP premises for higher learning
- Expansion of services of the BuCor Drug Treatment and Rehabilitation Center through TC Program
- Advocating for more private joint ventures with BuCor for the livelihood of inmates
- Maximizing the use of arable land in the penal farms for self-sufficiency in food for the inmates and employees as well
- Continued promotion of Eco-tourism in Sablayan, Iwahig and Leyte Prison & Penal Farm.
- Launching of the BuCor Love Foundation, Inc. for inmates who shall be released from prison.

PAROLE AND PROBATION ADMINISTRATION (PPA)

The Probation Administration was created by virtue of Presidential Decree No. 968, "The Probation Law of 1976", to administer the probation system. Under E.O. 292, "The Administrative Code of 1987" which was promulgated on November 23, 1989, the Probation Administration was renamed "Parole and Probation Administration" (PPA) and given the added function of supervising prisoners who, after serving part of their sentence in jail, are released on parole or are granted pardon with parole conditions.

The PPA handled a total of 49,279: 31,783 probationers, 17,463 parolees and pardonees and 33 first-time minor drug offenders in 2009. The commendable supervision of probationers, parolees and pardonees by the PPA has led to only 2.79% revocation and 1.36% rearrest, among the lowest in Asia and even in the whole world.

For the same year, the PPA handled 8,503 cases for probation investigation, 7,567 of which were disposed or a disposition rate of 88.99%, 1,135 pre-parole/executive clemency or a disposition rate of 89% and 14 first-time minor drug offenders, or a disposition rate of 99.85%.

Rehabilitation and Livelihood Programs

In carrying out the rehabilitation process, the PPA assisted parolees and probationers find livelihood opportunities to help them pay for civil liabilities they owe to their victims. For the year 2009 alone, 9,229 unemployed clients were either referred to employers, provided assistance in income generating activities or got them involved in skill enhancement seminars. About 22,756 actively participated in community service such as tree planting and “clean and green” program.

Community Involvement

The PPA’s success in its rehabilitation efforts has been partly attributed to the 10,065 Volunteer Probation Aide (VPAs) that the agency has tapped to maximize citizen participation and community involvement. The Integrated Allied Social Services (IASS) maintained by the agency targets capacitating clients' families in becoming effective support in the clients’ rehabilitation. For 2009 alone, 95,896 clients and their family members attended sessions in moral and social reformation and counseling activities.

Jail and Decongestion Program

One significant program being jointly implemented by the Board of Pardons and Parole (BPP), NPS and the PAO is the Jail and Prison Decongestion Program. The program seeks to facilitate the early release of detention prisoners through the benefits of probation, parole and other forms of executive clemency. It also addresses the problems of deteriorating and congested conditions of Philippine jails and prisons.

PUBLIC ATTORNEY'S OFFICE (PAO)

The Public Attorney’s Office (PAO) is mandated to extend free legal services to indigent persons or to the immediate members of their families in civil, administrative, labor and criminal cases. The services include judicial and quasi-judicial representation, mediation and counseling, jail visitation, inquest assistance, miscellaneous legal advice and documentation.

While the DOJ, through the NPS and the NBI ensures that criminals are hailed in court, the Public Attorney's Office (PAO) is mandated to defend the accused that qualifies under the indigency test of the agency.

For the year 2009 alone, the PAO served 4,154,587 clients. Its manpower complement of 1,407 lawyers assisted these clients in different capacities such as rendering legal advice, appearing in 2,182 courts nationwide either as defense lawyers in criminal cases or acting as legal counsels in civil and labor cases. About 29 lawyers devote themselves on appealed cases before the Court of Appeals, Supreme Court and Office of the President. These lawyers represented a total of 118,619 indigents in court proceedings, who were granted verdicts of acquittals or other favorable dispositions. Aside from criminal cases, the Special and Appealed Cases Service also handles civil and special cases such as appeals from the decision of the NLRC, SSS and GSIS and other quasi-judicial jurisdictions.

PAO lawyer-client average ratio is 1:2,953 for total number of clients assisted while PAO lawyer-client average ratio is 1:420 for cases handled.

Other Significant Programs and Accomplishments

The following are among the significant accomplishments of the PAO:

- The Jail Visitation and Decongestion Program facilitated the release of 5,342 inmates who have long languished in jails
- Legal Aid Information Dissemination engaged lawyers to speak in various activities involving legal education and information dissemination in communities within their respective territorial jurisdictions. This includes appearances and participation in conferences, local fora, radio stations, delivery of related lectures and columns in newspapers of general circulation.
- Established linkages/cooperation with Legal Aid Organizations to enhance the agency's free legal services
- Ratification of the PAO's Citizen's Charter
- Capacity Building Activities for PAO lawyers and staff
- 24/7 Legal Counseling and Inquest Proceedings Assistance for indigent individuals during night time, weekends and holidays at the Central Office and providing ready counsel for advice and assistance to alleged suspects of crimes apprehended by the police at anytime of the day
- Implementation of the no-lunch-break policy in its office

Through Chief Public Attorney, it undertook the following:

- Actively assisted the victims of the M/V Princess of the Stars maritime tragedy wherein 71 civil cases have already been filed against the owners and management of Sulpicio Line, Inc. in Manila and 51 in Cebu City. Administrative and criminal cases have also been filed against the respondents before the Maritime Industry Authority (MARINA) and the DOJ.
- Rendered legal assistance to Philippine National Police personnel who were involved in the EDSA-NIA shoot-out
- Assisted in the release of the 12 remaining military personnel who were granted pardon in connection with the Aquino-Galman double murder case

Issues and Concerns

Despite its accomplishments, the following issues continue to affect the PAO's operations:

- Fast turnover and heavy workload of PAO lawyers
- Scarcity of office equipment
- Lack of attractive retirement benefits

Plans and Programs for the Year 2010

For the year 2010, the PAO will embark on the following programs:

- Launching of Forensic Laboratory as well as Medical Dental Clinic at PAO-Central Office for the benefit of its employees and for furtherance of investigation conducted to cases handled by PAO
- Compliance with ISO 9000 and the Government Quality Management Systems Standards (GQMSS), pursuant to Administrative Order No. 161 dated October 5, 2006
- Organization and establishment of PAO Choir and PAO Band as creative channels of artistry and musicality to discover /enhance PAO talents and boost the morale of its employees
- Continuously carrying out activities and outreach programs for the welfare of prisoners and inmates such as the PAO's free Legal and Medical Jail Visitation and Decongestion Program
- Continuation of the "PAO-UNICEF Seminar on Violence Against Women and their Children Act (RA 9262), Comprehensive Juvenile Justice and Welfare System Act (RA 9344) and Other Related Laws" under the revised training modules
- Continuation of the "PAO'S Advanced Training/Workshop in Forensic Medicine and Science"
- Continuous promotion of good governance, professionalism, and anti-corruption measures
- Continuous improvement of communication facilities and other office equipment
- Vigorous efforts to implement compensation scheme and financial incentives of PAO Lawyers to further motivate them in discharging their duties pursuant to R.A. No. 9406 (PAO Law)
- Continuous capacity building, enhancement of the skills and competence of PAO lawyers and staff through the holding of workshops and seminars
- Increasing the number of lawyers and support staff assigned in each of the Regional and District Offices for a more effective and efficient delivery of services pursuant to Republic Act 9406 (PAO Law)
- Continuous coordination with the tri-media for the advancement of the PAO outreach activities, more particularly, dissemination of free legal advice and counseling
- Vigorously pursuing the rendition of prompt, effective and adequate legal services to the indigent sector
- Maintaining programs and policies in achieving virtues of excellence, integrity, professionalism and moral values of all PAO lawyers and staff
- Working to meet the ideal situation of one PAO lawyer being assigned to one court for a more effective and efficient representation of clients
- Empowerment of the PAO's capacity in promoting Gender and Development (GAD) Program of the government; and
- Continuous active participation of the PAO in the on-going pro-poor and social justice programs of the government

COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS (COSLAP)

The Commission on the Settlement of Land Problems (COSLAP) was created on September 21, 1979 by virtue of Executive Order No. 561. It provides immediate but effective cross-cutting procedures in adjudicating land problems or disputes within its authority as well as settle land problems through conciliatory measures as alternative modes of resolving land disputes, for the benefit of those who have less in life such as small landowners, tillers, informal settlers and indigenous cultural minorities.

The main thrust of COSLAP is the speedy and inexpensive investigation, conciliation and disposition of cases. COSLAP focuses more in enhancing the mediation process and other alternative methods in resolving land disputes. These involved the adjudication and mediation of some 1,507. It has resolved 1,805 cases (including cases carried over from the previous year), over and above its 1,700 target for 2009.

Significant Cases Handled

The following are the significant cases handled by the COSLAP for the year 2009:

- Datu Piang Daquiwas, et al vs. Bukidnon Farms Industries involving the Manobo Tribe. This case involved the recovery of 500 hectares of ancestral land. As a result of COSLAP intervention, 256 hectares in the area are now being surveyed by the DENR Region X to be turned over to the Daguiwaas group as their resettlement area
- Conducted mediation to at least forty (40) families in a Coal Mining Reservation with an area of 5,500 hectares, located at Sitio Himalian, Barangay Tinugboc, Semirara Island, Caluya, Antique, in processing their claims of just compensation as occupants of said land
- Averted the eviction of seventy-nine (79) families in Singalong St., Malate, Manila by facilitating the negotiation in group land acquisition
- Declaration of 923 hectares of ancestral land in Lanton, Apopong, General Santos City as ancestral land of the B'laan Tribe

Institutional Reforms Implemented

The COSLAP implemented the following institutional reforms in 2009:

- Service Standards pursuant to the Anti-Red Tape Act and implementing the No-Lunch-Break policy
- Moral Recovery Efforts
- Intensive Information Campaign about its mandate and existence for the grassroots level to avail of its services

Major Plans for CY 2010 and Beyond

For 2010, it has laid plans to:

- Increase disposition and investigation of cases and reduction of backlog

- Increase its provincial offices by implementing the rationalization plan

Other activities and concerns includes:

- Intensive Information Campaign on the functions of COSLAP
- Proposal of COSLAP bill to expand its jurisdiction and push for policy reform
- Institutionalize the Alternate Dispute Resolution
- Request for the Immediate Filling-up of Lawyers Positions
- Support Employee's Association
- Update Research Materials
- Development and Installation of ISP Plan

OFFICE OF THE GOVERNMENT CORPORATE COUNSEL (OGCC)

The Office of the Government Corporate Counsel (OGCC), receiving its mandate from R.A. 2327, R.A. 3838, P.D.1415, E.O. 878 and other legislations and executive orders, is statutorily the legal counsel of government-owned and/or controlled corporations (GOCC's) and its subsidiaries, other corporate off-springs and government acquired asset corporations, thus exercising control and supervision over all legal departments and divisions maintained separately.

True to its mandate as the counsel for government corporations, it renders the following services: legal services through litigation by representing the interests of client-GOCCs before the trial and appellate courts and administrative bodies; rendition of legal opinions; drafting and review of contracts; hearing of administrative cases and arbitration of disputes.

Special Activities and Concerns

For the year 2009, the GOCC implemented these special activities:

- Advocacy of Alternative Dispute Resolution (ADR)
- Active involvement in Public-Private Sector Participation and Privatization of Government Corporations for potential partners in public corporate governance, considering that the OGCC is a proponent of Good Corporate Governance in Public Sector
- Carrying out capability programs and activities, which included among others, seminars/workshops for lawyers in compliance with the Mandatory Continuing Legal Education requirement, Policy Research Writing Competition among lawyers of the OGCC and client-GOCCs
- Case conferences among lawyers of the OGCC to discuss cases, develop legal strategies, and enhance the appreciation of the law and certain legal issues affecting client GOCCs
- Adequate training on information technology and the use of digitalized legal opinions and contract reviews while increasing the ration of the number of computer to lawyers and staff
- Exercise of corporate social responsibility such as fund-raising and voluntary work for favored charitable institutions and beneficiaries

- Actively involved and participated in empowering client-GOCCs
 - Co-sponsored the OGCC-IPCG Activity, with the Government Procurement Policy Board, in holding a Joint Consultation with client-GOCCs on the revised Implementing Rules and Regulations of RA 9184 effective September 2009
 - Successfully executed 5 joint venture agreements between client-GOCCs and the private sector namely the development of Boracay Water Supply and Sewerage Systems between the Philippine Tourism Authority and the Manila Water company; the development of North Triangle Subdivision between the National Housing Authority and Ayala Land, Inc.; development, operation and maintenance of Cagayan Special Economic Zone and Free Port International Airport between the Cagayan Economic Zone Authority and the Cagayan Land Property Development Corporation; development of North Bonifacio District (Bonifacio Global City) between the Bases Conversion and Development Authority and the Megaworld Corporation; and production and distribution of Thermal-Coated Paper and related products between the Philippine Charity Sweepstakes Office and the TMA Group of Companies, PTY Limited.

Institutional Reforms

The OGCC promoted reforms and established programs for greater work efficiency, accountability, productivity and corporate social responsibility by conducting the following:

- Commenced efforts to achieve ISO 9001:2008 Certification, which has achieved 70% compliance with respect to the 28-day Receipt-to-Release (R-to-R) Process Policy for rendering legal opinions and reviewing contracts of client-GOCCs pursuant to EO 605 entitled “Institutionalizing the Structure, Mechanisms and Standards to implement the Government Quality Management Program Amending for the Purpose Administrative Order No. 161, s. 2006 and the Applicable Government Quality Management System Standards (GQMSS)”
- Publication of Case Book on Government Corporations (1901 to October 2009) and the Policy Research on Government Corporations (Journal Volume 3 and 4)
- Conducted Proposal for Administrative Excellence and Innovation (PAEI) writing competition among administrative personnel of the OGCC for creative proposals on reforms in the systems and policies of the OGCC
- conducted policy research writing competition among GOCCs and the OGCC , which opened doors to the development of research works affecting government corporations in nation-building

OFFICE OF THE SOLICITOR GENERAL (OSG)

The Office of the Solicitor General (OSG) is the legal representative of the Government of the Republic of the Philippines. It is an independent and autonomous agency under the Office of the President but attached to the Department of Justice for budgetary purposes. The OSG is primarily tasked to represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents who are suing or are being sued in their official capacities before the local court system and in international fora in any litigation, proceeding, investigation, or matter requiring the services of a lawyer. It is also the counsel of the People of the Philippines before the appellate courts. As the “Tribune of the People”, the OSG is tasked to represent the Republic in any action which affects the welfare

of the people as the ends of justice may require.

Significant Cases Handled

Among the significant of the thousand cases handled by the OSG are the following:

- Case filed by the Maritime Industry Authority (MARINA) against Sulpicio Lines, Inc., owner of the sea vessel MV Princess of the Stars, which capsized off the coast of San Fernando, Romblon, and against Aboitiz Transport System Corp., owner of the MV Superferry 09 that sank off the south-west coast of Zamboanga Peninsula
- With the Anti-Money Laundering Council (AMLC), initiated civil forfeiture cases against Gen. Carlos Garcia, former AFP Comptroller charged with malversation of public funds. Amim Imam Boratong, convicted drug dealer in the “Pasig Shabu Tiangge” case and Celso delos Angeles of the Legacy Consolidated Plans. Inc. and also sought freeze orders against five bank accounts of the Isnajis believed to be involved in the kidnap for ransom of broadcast journalist Ces Drilon and her group
- Successfully defended the government position on national issues being questioned in court like the case of the validity of Proclamation No. 1959 placing Maguindanao under a state of martial law involving the powerful Ampatuan clan where 57 media men and other civilians were killed
- Represented the COMELEC in oral arguments before the Supreme Court on the award of the 2010 Automated Elections Project to the joint venture of Total Information Management Corporation (TIM) and Smartmatic International Corporation.
- Argued on the constitutionality of Executive Order No. 683 authorizing the release of proceeds from the Camago-Malampaya Gas Reservoir to the Province of Palawan
- Initiated expropriation proceedings to facilitate the construction of major infrastructure programs of government such as the construction of the Skyway-Alabang-Bicutan Project, and the Tarlac-Pangasinan-La Union Expressway (TPLEX) Project. It was sustained by the Supreme Court in its defense of the position of the Philippine Ports Authority of expropriation whereby saving P13 billion in expropriation costs
- Acted as Secretariat in the Alabang Boys and Subic Drug Cases and the Private Armies Investigation upon instruction of the President
- Was instrumental in the crafting of the Philippine Drug Enforcement Agency (PDEA) Manual of Operations for use by all drug enforcement agents in the conduct of their drug operations. The OSG continues to assist the PDEA in drug case build up

Institutional Reforms

The OSG undertook the development of the following systems and implemented such programs to improve its operations:

- The OSG Docket Management Service received its ISO 9001:2008 standards certification from the Anglo-Japanese-American Registrars (AJA) in compliance with EO No. 605 mandating the institutionalization of ISO 9001:2000 certification of all government agencies
- Continued implementation of RA 9417 further strengthening the OSG with the creation of eight legal divisions and increasing the number of lawyers attending to the

over 300,000 cases. Capacity building and continuing legal education were conducted to all lawyers. Health cards have also been awarded to lawyers and staff.

- The enhanced case management tool version 2 (eCMT) was fully implemented on 2009, greatly improving the tracking of cases handled by the OSG. In the third quarter of 2009, the digitalization phase of the OSG eCMT was started.
- Drafting of the OSG Solicitor's Manual was initiated

Major Plans for CY 2010 and Beyond

The OSG will continue to work on programs that revolve around these five major goals:

- Improve OSG visibility to the public and maintain its high degree of integrity and competency
- Full standardization and automation of OSG's internal business systems and procedures
- Create a positive working environment where the efficiency and competency of employees are prioritized
- Improve the internal resource allocation and the generation of funds or grants from external resources
- Institution planning to determine policy and program direction of the OSG

PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG)

The Presidential Commission on Good Government (PCGG) was created by virtue of Executive Order No. 1 of President Corazon C. Aquino on February 28, 1986. Its primary mandate is to assist the President in the recovery of ill-gotten wealth of former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and close associates whether in the Philippines or overseas. This also includes the investigation of corruption cases as the President may assign, the adoption of safeguards to ensure that the aforementioned practices shall not be repeated, and the institution of adequate measures to prevent the occurrence of corruption.

Effective May 26, 2005, by virtue of EO No. 432, PCGG has been empowered to assume the task of investigation, filing and prosecution of cases for recovery of claims arising out of non-performing loans whether behest or non-behest. In July 2007, EO No. 643 placed the PCGG under the administrative supervision of DOJ.

To achieve its mandate, the PCGG has established links with foreign governments and their agencies involved in the International Mutual Assistance on Criminal Matters (IMAC), Mutual Legal Assistance Treaty and other applicable treaties.

Pending Civil and Criminal Cases Filed with Various Courts

The first batch of cases filed by the PCGG against Marcos and his close associates were mostly civil cases for forfeiture, reconveyance, reversion, accounting and damage. Most of these civil cases are considered as "banner cases" because of their importance. Thereafter, criminal cases were also instituted against these personalities for violation of the provisions of RA 3019 and the Revised Penal Code.

Over the years, numerous cases have been separately filed by and against the PCGG in connection with or otherwise incidental or related to the abovementioned cases, the sequestration and freezing of assets, or the implementation or performance of its duties and responsibilities under existing laws.

Remittance to the Comprehensive Agrarian Reform Program

The PCGG remitted the total amount of P85,559,839,049.04 to the CARP as of December 2009. It has also privatized surrendered assets amounting to P16.846 million, realized from the sale of Lepanto Consolidated Mining, Inc. shares. On revenue collection, PCGG was able to realize an additional amount of P849.005 million representing cash dividends from Philippine Telecommunication Investment Corporation (PTIC).

*Table 6. Summary of Cash Remittances to CARP
As of December 31, 2009*

| YEAR | AMOUNT | |
|-------------|---------------------------|--------------------------|
| 1987 | 228,012,547.86 | |
| 1988 | 1,099,394,492.41 | |
| 1989 | 343,625,322.82 | |
| 1990 | 781,572,132.14 | |
| 1991 | 670,010,219.71 | |
| 1992 | 199,230,261.20 | |
| 1993 | 117,856,359.82 | |
| 1994 | 15,177,211,555.60 | |
| 1995 | 621,559,487.56 | |
| 1996 | 290,030,604.23 | |
| 1997 | 226,680,844.56 | |
| 1998 | 1,217,374,320.91 | |
| 1999 | 382,287,838.72 | 21,354,845,987.54 |
| 2000 | 36,346,622.16 | |
| 2001 | 498,270,893.29 | |
| 2002 | 165,849,962.81 | |
| 2003 | 116,472,677.75 | |
| 2004 | 35,160,188,411.67 | |
| 2005 | 56,905,111.17 | |
| 2006 | 48,013,512.35 | |
| 2007 | 25,270,589,031.19 | |
| 2008 | 2,051,468,564.59 | |
| 2009 | 800,888,274.52 | 64,204,993,061.50 |
| | P85,559,839,049.04 | 85,559,839,049.04 |

Favorable Decisions of Civil Cases Rendered

- The Republic's Motion for Partial Summary Judgment was granted in a decision dated 12 April 2009. Accordingly, all assets, investments, securities, properties, shares, interests and fund of Arelma presently under management and/or in an account of the Merrill Lynch New York in the amount of more or less \$35 million are forfeited in favor of the Republic. A Motion for Reconsideration thereof was thereafter filed by Imelda Marcos and is still pending (Republic v. Imelda Marcos)
- The Federal Supreme Court of Switzerland, in connection with the government's request for mutual assistance, ordered the transfer and/or repatriation of the funds

deposited in Adler Bank in Zurich Switzerland in the name of GEI, Inc. in the amount of US\$3,202,736 and DM3,093,541.55 including the interests and increments which were ruled by the Sandiganbayan to be ill-gotten wealth of Fe Roa Gimenez and Ignacio Gimenez and Roberto Olanday and affirmed by the Supreme Court on July and October 2008 to the Philippines in February 2009. (Republic v. Spouses Fe Roa Gimenez, et. al.)

Challenges and Constraints

Here are the challenges that has affected the operations of the PCGG:

- The threat that the agency may be abolished by Congress
- Low budget given by Congress
- The slow pace of justice that hinders the resolution of cases
- Due process requirements under the Constitution vis-à-vis incessant employment of delaying tactics being employed by the defendants
- Strict application of the rules of procedures considering that the PCGG cases are *sui generis*
- Threats of losing sequestered and surrendered assets to government agencies like the Bureau of Internal Revenue and Department of Agrarian Reform
- Lack of cooperation by other government agencies
- Locating witnesses and securing testimonies of witnesses

The DOJ Beyond 2009

Having withstood the challenges as an institution, the DOJ continues to build upon the gains achieved and the dedication of the men and women who have given themselves generously to uplift the lives of the citizenry by protecting and upholding their rights through the effective and efficient administration of justice.

The DOJ will continue to work to achieve societal peace and order through collaborative reform among government and non-government partners particularly the courts and the community. Other agencies along with the DOJ, deal with law enforcement, prosecution and corrections, are the vital components of the criminal justice system. It will continue to push for reform programs within the framework of good governance, accountability and transparency, setting priority areas of reforms such as the need to strengthen institutions, improve public expenditure management and enhance organizational performance.