



## YEAR 2003 ACCOMPLISHMENT REPORT OF THE DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) is mandated to uphold the rule of law and ensure the speedy and fair administration of justice. It has promoted the welfare of the weak or less privileged by working towards the impartial application of the law to everyone.

An effective and efficient administration of justice could usher in peace and order and address issues on insurgency thereby guaranteeing public safety.

The DOJ has two main functions, namely the prosecution arm of government and its primary legal counsel.

For the year 2003, the Department and its agencies have performed exceedingly well, have reached, and even in some cases surpassed its targets for the year.

The DOJ carries out its mandate through the following offices and agencies under its supervision:

### **NATIONAL PROSECUTION SERVICE (NPS)**

The role of the National Prosecution Service, the prosecution arm of government is two-fold: one, to conduct an investigation on complaints filed before it to determine if indeed there exists a probable cause that a crime has been committed and, two, to prosecute all cases involving violation of penal laws.

The NPS is composed of 1,734 prosecutors in Regional, Provincial and City Prosecutors' Offices nationwide including State Prosecutors in the Office of the Chief State Prosecutor. The authorized number of prosecutors is 2,141 positions, however, as of December 2003, 404 remain vacant.

As 2002 ended, NAPROS had 58,766 cases pending before it. Over the course of 2003, some 405,344 more cases were added to that number, thus giving NAPROS a total of 464,110 cases to tackle in 2003.



Of this total number –

- 287,204 were for preliminary investigation, and 230,112 or 80.12% were disposed of;
- 66,073 were for investigation under summary procedure and 64,528 or 97% were disposed of;
- 76,589 were inquest cases and 75,621 or 98.74% were disposed of;
- 34,244 were reviews of MTC/MCTS Resolutions, and 28,325 or 82.72% were disposed of; and
- 2,044 were for reinvestigation per court order, and 1,642 or 80.33% were disposed of.

Significant cases for the year 2003 are the prosecution of the members of the Abu Sayaff involved in the Pearl Farm, Sipadan, Dos Palmas and the Tumahubong, Sinangkapan kidnapping cases, the latter one involving the kidnapping of 52 grade school pupils, teachers and the beheading of Fr. Joel Gallardo, 2 public school teachers, Dante Uban and Nelson Enriquez.

The NPS has also indicted Asia's most wanted terrorist Isamuddin Riduan @ Hambali, Abubakar Bafana Faiz @ Faiz, Moklis Hadji Yunos y Umpara and Indonesian terrorist, Fathur Rohman Al Ghozi, members of the international terrorist group Jemaah Islamiyah. This after Yunos and Al Ghozi confessed participation in the 2000 LRT Bombing which killed 12 people and wounded 19 others.

On the campaign against proliferating business scams, the NPS received a total of 859 cases filed by 13,145 complainants against Rosario Baladjay et al of Multitel, Gaudencio Maximo et al of Lead Lending Corp., Ervin Mateo et al of the Mateo Management Group, Jesus Tibayan et al of TGICI and 40 other investment firms and their officers for syndicate estafa, and other related offenses involving an aggregate amount of P3.21 billion and US\$3.65 million. Informations against these persons have already been filed in court. Preliminary investigation of these cases is being handled by the Task Force on Business Scams and their prosecution is being handled by the respective provincial or city prosecutors where the offense has been committed.

On the government's campaign against illegal drugs, the DOJ's Task Force on Illegal Drugs and Dangerous Substance currently handles 42 high profile drug cases which are either under preliminary investigation or undergoing court trial. It has scored 7 major convictions involving 6 prominent Chinese drug traffickers.

To give teeth to the prosecution's campaign against illegal drugs, the Secretary of Justice has ordered its prosecutors to resolve all drug cases within 30 days, 15 days short of the regular 45-day deadline given to prosecutors to resolve cases assigned to them.

In the fight against kidnap-for-ransom syndicates, the Task Force on Kidnapping received a total of 67 kidnaping for ransom cases. The DOJ has scored 3 convictions while the remaining cases are still pending before the courts and preliminary investigation before prosecutors or dismissed for lack of evidence.

Another major accomplishment of the DOJ is the conviction of the dreaded Pentagon kidnap for ransom group, Tahir Alonto and 9 other members of the gang.



The Department has also asked the Supreme Court to allow the conduct of marathon trial for major cases on illegal drugs and kidnap-for-ransom to hasten the resolution of these cases and highlight the Administration's campaign against these syndicated and heinous crimes.

In safeguarding the government's campaign to increase its revenues, the DOJ has also formed a Task Force on Smuggling to prosecute the 51 smuggling complaints filed before it from December 2001 to June of 2003.

## LEGAL STAFF

The DOJ through its Legal Staff serves as the primary legal counsel of government. For the year 2003, it has received a total of 52,693 requests for legal opinions. All of them, with no exception, were disposed of, leaving a balance of zero (0) request.

The Legal Staff also complied with its treaty obligations with the US after it extradited 4 persons from the country to the US. It also handled 2 cases of extradition from the US to the Philippines involving 3 persons.

This year, the Philippines obtained a favorable ruling in the extradition case filed against Estrada crony Charlie "Atong" Ang.

The DOJ has also initiated the signing of treaties with countries namely South Korea on the Mutual Legal Assistance Treaty and Canada for the Transfer of Sentenced Persons. It has also entered into treaty negotiations with Spain and India.

The Legal Staff as the lead agency in the Anti-Trafficking Task Force has drafted the implementing rules and regulations on the Anti-Trafficking of Persons Act.

## SPECIAL PROGRAMS

**Witness Protection, Security & Benefit Program.** This is a program that ensures the availability and protection of those who choose to be witnesses for government in the prosecution of crimes. As we all know, many crimes go unpunished because witnesses are unwilling or are simply afraid to testify.

The measure of the effectiveness of this program is that since its inception in September 1991, the government has secured at least 471 convictions using witnesses admitted to this program among the notable convictions secured using this program.

To date, there are 436 witnesses nationwide enjoying protective custody from government. Of this number, 183 come from the National Capital region, and the rest (253) from the different regions. It is heartwarming that over the course of the years, there has not been any recorded breach of security nor failure of protection services rendered by the program to its beneficiaries, and people apparently believe with us that it is a good program.



**Victims Compensation Program.** This is a program that extends financial assistance to victims of heinous crimes and those proven to have been unjustly imprisoned. As of the end of December 1003, 1,118 applications were received and 729 processed. Most applications processed resulted in the grant of the requested financial assistance.

**Child Protection Program.** This is a program created under E. O 275 in relation to R. A. 7610 (the Anti-Child Abuse Law). It engages in campaigns against child trafficking, exploitation and all kinds of child abuse. It includes monitoring incidences of child exploitation in the labor setting, such as in factories, in the entertainment and hospitality industries.

Advocacy efforts on the rights of the child were also spent on the following-

- Implementing Media Guidelines in Covering and Reporting Children's Cases;
- Implementing the Comprehensive Program on Child Protection;
- Continuous monitoring of child abuse, exploitation and child labor cases;
- Conducts trainings/workshops on RA 7610 or the Anti-Child Abuse Law.

**Justice Infrastructure Program.** This program is designed to provide decent buildings for courts and judges' quarters. The majesty of the law will be lost to the people if they see their courts decrepit and literally falling apart from such blights as termite infestation. As of 2003, there are ongoing constructions and repairs of 9 Halls of Justice. 56 more are lined up for implementation.

**DOJ Action Center.** This program assists walk-in clients who request legal assistance. As of last year also, the DOJ Action Center received a total of 180,683 requests for assistance addressed to the Department. Again, I am proud to say that all of these requests were successfully met leaving a balance of zero (0) requests.

Some of the more significant requests for legal assistance met or successfully acted upon by the Department last year were the following:

- Preparation of legal documents and/or pleadings;
- Requests for expeditious resolution of cases filed before the different prosecutors' offices;
- Preparation of endorsements/referrals to concerned agencies; and
- Preparation of complaints against erring employees of the DOJ and its agencies/bureaus/offices.

## DOJ AGENCIES

### National Bureau of Investigation

Law enforcement primarily is the responsibility of the Philippine National Police and the National Bureau of Investigation (NBI), the latter of which is under the DOJ. The NBI is tasked with the investigation of crimes, collection of evidence, arrest of suspects and the filing of complaints against the suspects with the prosecutors and the courts.



With a complement of 238 Investigation Agents and 241 special investigators, the NBI figured well in the Arroyo-Administration's campaign against criminality particularly kidnap-for-ransom activities, bank robberies and illegal drug-trafficking.

The Bureau's continuous campaign against violators of intellectual property rights resulted in the seizure of pirated items such as fake VHS tapes, CDs and VCDs replicating machines, signature items, unlicensed software and computer products and fake medicines in a total amount of about P300 million.

In its campaign against illegal drugs, its agents seized raw materials capable of making 1,000 kilos of shabu worth P1.1 billion in an apartment in New Manila, Quezon City and the arrest of James Chua, one of the suspected maintainers of a mini-shabu laboratory. Likewise, it confiscated 10 canister of palladium chloride worth P10 million, a chemical used as catalyst that hastens the production of shabu and several bottles of chemical precursors, from the last shipment of the Wang Yashi international drug trafficking group in Sta. Cruz, Manila.

The NBI also arrested and recommended the prosecution of Reynaldo E. Antonio, Gerry E. Antonio and Danilo G. Francisco, members of a big-time bank robbery gang responsible for the Union bank robbery hold-up and a series of bank robberies in Metro Manila.

Significant also is the filing of multiple criminal cases against Rosario Baladjay of the Multi-tel, Ervin Mateo of the Mateo Management Group, Ma. Teresa Santos and 62 other officials of eight similar investment firms for engaging in multi-level marketing or pyramiding defrauding some 5,161 investors of over P1.3 billion and over US\$1.5 million. It also arrested Palmy Tibayan, a key officer of the Tibayan Group Investment Co., Inc.

It has also busted a big-time syndicate preying on credit card holders through fraudulent transfer of cash value of their Smart Money card from abroad to the country following the arrest of three of its members.

The NBI, together with operatives from other agencies, has also regularly conducted rescue operations of girls particularly minors from red houses and bars in the country.

In this connection, it has established Women and Child-Friendly Investigation rooms to strengthen its efforts of protecting the rights of and providing justice to abused women and children.

To improve coordination with the PNP, the NBI also holds short-term courses for policemen, in the field of investigative work.

Aside from conducting investigative work, it also maintains drug rehabilitation centers in Tagaytay, Cebu and Cagayan de Oro and has rehabilitated 1,126 patients and rendered after-care treatment to 1,133.

To demonstrate its commitment to speedy and efficient service to the public, it has established automated teller machine-type equipment for expeditious processing of applications for NBI clearances needed for employment, travel purposes and the like. In 2003, it was able to process 3,444,106 clearance certificates or 14,225 certificates a day.



In all, it has solved and terminated an average of 47,200 cases a year since 2001 to the present.

In addition, the NBI also rendered technical assistance in the fields of forensic medicine and chemistry, questioned documents, ballistics, polygraphy, dactyloscopy and investigative photography at a rate of around 23,000 a year from 2001 to the present.

### Office of the Government Corporate Counsel (OGCC)

The OGCC is statutorily the legal counsel of government-owned and controlled corporations (GOCCs) and their subsidiaries. It is the one directly handling these entities' court cases and other legal concerns.

For 2003, the OGCC won 94 courts cases for the government saving its clients at least P53 million. The OGCC also rendered a total of number 13,593 of legal services which include meetings, hearings, advice and representation made on behalf of these clients.

### Public Attorney's Office (PAO)

*Increase public Access*  
The PAO, through its central office, 16 regional offices, 257 district and 6 sub-district offices, extended free legal services to a staggering number of poor clients nationwide 5,592,104 in all. These services included judicial and quasi-judicial representation, mediation and counseling, jail visitation, inquest assistance, miscellaneous legal advice and documentation. The judicial and quasi-judicial cases alone, which were handled by PAO's 975 lawyer-litigators already number 1,313,389.

These almost incredible accomplishments were made possible partly by the work innovations continuously explored by top management and the use of computer technology. The hard work put in by the PAO is recognized by the honors bestowed on the Chief Public Attorney, such as her invitation to be a speaker in the Southeast Asian Legal Aide Conference held in Cambodia in November, last year, and before that, her selection in March by the Asian Public Intellectuals Fellowship and the Nippon Foundation as API Senior Fellow.

Of course, practicing lawyers know that PAO has been accredited by no less than our Supreme Court as a mandatory continuing legal education provider.

Recently, among one of its notable accomplishments was the legal assistance rendered to death convicts Roberto Lara and Roderick Licayan, who were about to be executed on January 30, but upon timely petition with the Supreme Court, their executions were held in abeyance, pending review of their petition to reopen the case. This after it presented newly discovered evidence that point to their innocence.

### The Board of Pardons and Parole (BPP)

Pardon is an act of grace from the Chief Executive absolving a person from the punishment prescribed for the crime he has committed. Parole is the conditional release of a prisoner after he has served part of his sentence. Both are sovereign acts of the state and find their basis on the larger considerations of justice and public welfare. The official body that processes applications for pardon and parole is the Board of Pardons and Parole.



Over that period, the Board processed 106 from a total of 204 applications for pardon. IT also processed 625 from a total of 812 applications for parole received.

The release of prisoners has a residual salutary effect – the decongestion of prison quarters. This may sound unexciting and neutral by itself. But when we note that one of the reasons why prisoners fail to get rehabilitated and sometimes become more violent after their release is that they become dehumanized while confined in crowded, smelly and dirty jails. We realize how important decongestion really is.

Of course, when jails are decongested, that results also in savings to the state in the area of prisoner maintenance.

### **Parole and Probation Administration (PPA)**

After a person has been conditionally pardoned by the Chief Executive, or paroled, or given probation by the courts, PPA takes over and supervises him to insure that he does not violate the conditions of his pardon, parole or probation.

As of close of 2003, the PPA has 68,654 probationers, parolees and pardoners under its supervision. Records show that 50,166 first-time offenders were under probation, while 18,488 were on parole or conditional pardon status. The supervision of these offenders and prisoners to hasten their restoration to mainstream society is on-going.

It is to the credit of the PPA that the revocation and re-arrest rates applicable to those under its supervision stand at only 2.79% and 1.36%, respectively. These are among the lowest rates in Asia and indeed in the whole world.

Foremost in the PPA's concerns is the Jail Decongestion Program in coordination with agencies like the Bureau of Jail Management Penology (BJMP) and the PAO. The main purpose is to help government decongest jails, unclog court dockets, provide detention prisoners with fair and speedy trial, provide access to the programs of rehabilitation, and lessen expenditures for prisoners' daily maintenance and substance.

Another notable project being utilized by the PPA is the Restorative Justice and Juvenile Justice Administration. This project promotes mediation, conferencing, restitution and community service in the transformation of relationship between communities and their government in response to crime.

Pursuant to the Convention on the Rights of the Child with the Philippines being a signatory to it, the PPA also drafted the Rules on Probation Methods and Procedures for Juveniles in Conflict with Law for implementation of a child friendly administration of justice.

### **Bureau of Corrections (BuCor)**

The BuCor is mandated to protect society through humane confinement and effective rehabilitation of criminal offenders convicted by the court to serve sentence in national prisons. It shall ensure that prisoners shall be kept from committing crimes while in its custody.



The Bucor has for its objectives the effective safekeeping and rehabilitation of national prisoners. Last year, Bucor admitted a total of 4,734 prisoners. It was noted that recidivism remained at 4 to 5% of the total inmate admission for the last 10 years. As of December 2003, Bucor maintained a total of 26,792 inmates, around 62% of whom were confined at the NBP in Muntinlupa with congestion rate of 92%, while the rest are scattered in the 5 penal farms located in Leyte, Davao and Palawan, Sablayan and San Ramon.

Death convicts total 1,014 prisoners. The three most prevalent causes for their sentences were rape, murder and kidnapping for ransom, in that order. It is interesting to note that women figured most in kidnapping for ransom. Out of 132 persons convicted of this crime, 9 were women. Last year, no execution by lethal injection was scheduled.

Rehabilitation is one of the foremost functions of our correctional institutions. Toward this end, the Bucor provides formal, as well as informal, education to interested inmates. This is done in coordination with the school system. In addition to the basic elementary and high school diplomas offered by the Bucor, a college degree in B.S. Commerce (major in Entrepreneurship) is now included in its offering.

Last year, 221 inmates graduated from school courses, 14 of them from college. A total of 328 inmates graduated from vocational courses, such as ref & air conditioning and general building construction. In the non-formal courses, such as adult literacy classes, a total 944 graduated.

To lessen the stress of confinement, the Bucor also provides sports facilities and encourages sports competitions. The more popular sports engaged in by inmates included calisthenics, basketball and volleyball. The Bucor welcomes donations of sports equipment and uniforms from the outside.

The Bucor attends to the religious needs of prisoners, as well. Many religious groups, such as the Philippine Jesuit Prison Service, the Marian missionaries, Singles for Christ and other Christian groups regularly conduct religious services inside our prisons.

The Bucor also has a drug rehabilitation center which aims to modify the behavioural dysfunction of drug dependent inmates. It works in coordination with the narcotic and detoxification unit of the NBP hospital.

The NBP also provides prisoners the opportunities to learn agricultural and industrial skills that they can put to good use upon release from prison. Last year, a total of 8,874 inmates had worked for business establishments with which the Bucor had tie-ups, such as Tadeco, Samsung and Pilco. The total compensation received by the inmates was P43, 719,640!

### **Bureau of Immigration (BI)**

This agency, being principally responsible for the enforcement of our immigration laws, are the main gatekeepers of our borders, making sure that no undesirable or dangerous aliens are admitted to our shores. In the discharge of this principal functions, last year the BI arrested and deported 455 aliens and detained another 564 for various offenses. It has also identified, arrested and deported 34 alien fugitives.



The BI generates significant revenues in the discharge of its functions. These are in the form of fees paid in relation to the application for visas, the extension or updating of permitted stay, applications for work permits, conversion of status, exit and re-entry permits, issuance of alien certificates of registration, etc. For 2003, total collections were P1.85 billion, P485 of which came from the processing of visa applications alone.

Other notable accomplishments of the BI as of the close of 2003 include the following –

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- Completed the update on its information technology systems;
- Created 4 new divisions to strengthen the functions of the BI, at the same time become more responsive to the needs of those who transact with it. These new divisions include an anti-fraud division that can detect fake documents.
- Processed more than 90,000 applications for visa;
- Processed more than 9,500 cases referred for investigation, review and disposition by the board of commissioners;
- Issued policy guidelines on the prevention of human smuggling, terrorist activities, and activities of criminal syndicates.

### Land Registration Authority (LRA)

This is the agency in charge of enforcing existing laws on land registration and incidences relative thereto. The principal and seemingly perennial battle it wages is against land titling fraud. To aid it in this fight, the LRA initiated programs and concluded a number of Memorandum of Agreements with other government entities to make land fraud harder to commit, and when committed makes it easy for such entities as the NBI to step in and investigate.

One such program is the Land Titling Computerization Project (LTCP). Geared toward ramifying the land registration process, as well as protect existing and future TCTs and muniments of title, it seeks to accomplish a full digitalization of all hard copies of land titles. This will render the commission of fraud difficult, and at the same time speed up transactions over titled lands.

As part of its march toward greater computerization of its services, the LRA has successfully put up its own website over the internet. And, already, Quezon City, is now in the process of implementing computerized registry operations. The on-going computerization of its operations enabled the task force operation Titulong Malinis (TFTM) to spot 20 cases of dubious nature. 2 of these cases were referred to the DOJ for investigation, 16 to the NBI, while 2 and 4 were referred to the Office of the Solicitor General and the Central Bank, respectively.

Like the BI, the LRA also generates significant revenues for government in its operations. As of the close of 2003, it produced an income of P1.97 billion, a marked improvement from 2002's income of P1.182 billion. Other notable accomplishments include –



- The issuance, pursuant to the land reform program of government, of 26,975 homestead patents to deserving farmer beneficiaries; and
- The completion of 3 new registry buildings, while 4 others are on-going. These new buildings will, among others, provide greater comfort and speed up transactions to our countrymen who visit LRA offices.

### Commission on the Settlement of Land Problems (COSLAP)

This agency is tasked to resolve land disputes that are critical and explosive in nature. In line with this, it has among others taken jurisdiction of disputes over public lands that have been erroneously and illegally titled and are now causing problems. It has also taken over disputes relating to squatters.

In 2003, it resolved or terminated 1,028 cases (which is over 2.8% of its target disposition for the year). This, despite a very tight budget, shortage of lawyers and the constant threat of abolition. At present, 6 of its past decisions are undergoing appeal in the court of appeals, while another 6 are pending appeal in the Supreme Court.

It has been practicing alternative dispute resolution techniques since its inception in 1979, and has the potential to help in de-clogging court dockets of land cases, if only Congress would pass a law expanding its jurisdiction.

### Human Rights Concerns

The issuance of Administrative Order No. 29 series of 2002 reconstituting the Presidential Human Rights Committee, designated the Secretary of Justice as its Chair.

The Committee's specific beneficiaries are victims of torture, forced displacement, illegal detention, involuntary servitude, abuse and exploitation, and all manners of inhumane treatment.

As of close of 2003, the committee has among its accomplishments, the issuance of 4 resolutions in line with its mandate. These resolutions –

- Call for Congress to enact an anti-enforced or involuntary disappearance law;
- Call for Congress to enact a law protecting internally displaced persons;
- Call on the authorities to stop detaining children in conflict with the law to regular jails, and instead commit them to the care of the DSWD; and
- Urging the department of education and the commission on higher education to integrate in school curricula the study of human rights and international human rights covenants.

The Committee is continuously conducting training and workshops to promote human rights particularly to law enforcement agencies as well as non-governmental organizations that serve as its partners.



## Anti-Corrupt Practices

The DOJ's concern to curb graft and corruption in government resulted to the filing of criminal and administrative complaints against 5 judges for violation of the Anti-Graft and Corrupt Practices Act with the Office of the Ombudsman and the Office of the Court Administrator of the Supreme Court.

Nine complaints against prosecutors were acted upon which resulted to either the issuance of an admonition and reprimand to 3, suspension for the period of 1 month to 2, and 6 months for 3 others. One was dismissed from the service with forfeiture of all retirement benefits with prejudice to his reemployment in any branch of the government. Three other support staff were charged with them.

For employees of other DOJ agencies, the Department acted upon 11 complaints last year.

