



United Nations Development Programme
Philippines

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ANNUAL PROJECT REPORT

26 June to 10 December 2012

Project Number and Title: 00066323: MAKING JUSTICE WORK FOR THE MARGINALIZED
Start Date: 26 June 2012
End Date: 31 December 2012
Total Award Amount: US\$ 39,000.00 (Php 1,606,800.00)¹
Implementing Partner: Supreme Court of the Philippines - Program Management Office

*The United Nations is an international organization committed to achieving the goals of a safer world for this and future generations. Its work reaches every corner of the globe for (1) maintaining international peace and security, (2) developing friendly relations among nations, (3) promoting social progress and helping nations work together to improve the lives of poor people to conquer hunger, disease and illiteracy, (4) encouraging respect for each other's rights and freedoms, and (5) being a centre for harmonizing the actions of nations to achieve these goals. The United Nations Development Programme (UNDP) is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life.*²

The continuing development cooperation between the Government of the Republic of the Philippines and the United Nations Development Programme (UNDP) is founded on their commitment to the universal goals of upholding human rights and realizing human development, freedom, peace and security, inclusive progress, and a secure future through sustainable development. The entire UN system is committed to support State Parties that have voluntarily assumed these ends as their obligations.

The Philippine Government, through the National Economic Development Authority (NEDA), and the UNDP have entered into a new agreement and cycle of assistance. The 2012 to 2018 UN Development Assistance Framework (UNDAF) for the Philippines, entitled "Supporting Inclusive, Sustainable and

¹ Foreign exchange rate = \$1:00: Php 41.20

² Source: United Nations and UNDP websites

Resilient Development”, intends to support the implementation of the 2012 to 2016 Philippine Development Plan (PDP) including the achievement of the Millennium Development Goals (MDGs). It will be working on the following:

- Outcome Area 1: Universal Access to quality social services, with focus on the MDGs
- Outcome Area 2: Decent and productive employment for sustained, greener growth
- Outcome Area 3: Democratic governance
- Outcome Area 4: Resilience toward disaster and climate change

Human rights is regarded as the foundation for peace, justice, democracy and development. Thus, implementation continues to adopt the human rights-based approach (HRBA) where the crucial role and obligations of institutions as “duty bearers” towards the people as “claimholders” is emphasized. HRBA advocates for institutions to recognize, respect, protect, guarantee, and fulfill the rights of the people not just as a matter of duty and obligation but as development values, principles and standards.

Outcome Area 3: Democratic Governance aims to achieve the objective of “*Capacities of claimholders and duty-bearers will have been strengthened to promote human rights, inclusivity, integrity, accountability, and the rule of law in governance,*” working on sub-outcomes on (1) citizen’s participation and oversight, (2) integrity and accountability, (3) local development planning and management, (4) conflict prevention and peace-building, (5) population and development, and (6) women’s empowerment.

The Project *Making Justice Work for the Marginalized* being implemented by the Supreme Court (SC) through its Program Management Office (PMO) corresponds to the justice reform component of Outcome Area 3: Democratic Governance. It represents the second medium-term project of the Supreme Court in partnership with UNDP and NEDA since 2009 when it accepted the invitation by NEDA and UNDP to act as the Implementing Party (IP) of the *Enhancing Access to the Pillars of Justice Project*.

For 2012, the Project implemented components on:

1. *Environmental Justice* – for upholding the environmental rights of the people and expanding access to justice by the poor and marginalized whose livelihood depend much on the environment, with special focus on the ARMIM
2. *Legal Empowerment of the Poor* – increasing the marginalized sectors’ knowledge and awareness on their rights and responsibilities, and the intricacies of the legal system
3. *Formal & Informal Justice Systems Interface* - legal pluralism and exploring ways of enhancing the Indigenous Peoples’ access to justice

The Project's approved 2012 Annual Work Plan (AWP) provides a total grant of US\$39,000.00 (PhP1,606,800.00) to the SC. As indicated below, a large percentage of the budget has been allocated for Direct Project Cost, while Project Management Cost is maintained at a low rate of 13%.

1. Budget for Direct Project Cost:	\$34,000.00 (87.18%)
2. Budget for Project Management:	+ \$5,000.00 (12.82%)
	<u>\$39,000.00 (100%)</u>

As of 10 December, disbursement/expenditure, obligations and balance are as follows. By the end of the year, the Project hopes to achieve a full utilization of the funds:

Approved Budget:	\$39,000.00	PhP1,606,800.00	(100%)
Less Total Disbursement:	(\$14,951.71)	(PhP 616,010.28)	(38%)
Less Obligated Amounts:	<u>(\$24,048.29)</u>	<u>(PhP 990,789.72)</u>	<u>(62%)</u>
Balance:	\$0.00	PhP 0.00	

Outcomes	Update on Outcome	Annual Outputs	Update on Outputs	Reasons if progress below target	Update on partnership strategies	Recommendations and proposed action
Capacities of claimholders and duty-bearers will have been strengthened to promote human rights, inclusivity, integrity, accountability, and the rule of law in governance		<p>Output 1: Capacities of the pillars of justice strengthened on delivering environmental justice</p> <p>Activity 1.1 Provision of Support/ assistance for the capacity building program on Environmental Justice in ARMM</p>	<p>Completed. In April 2010, the SC promulgated the <i>Rules of Procedure on Environmental Cases</i>. The Rules is regarded as the first of its kind in the world and it represents a significant reform in environmental litigation and protection. The Rules contains the procedures governing the civil, criminal, and special civil actions in all trial courts concerning environmental cases. Its objectives are to³ :</p> <p>a. Protect and advance the constitutional rights of the people to health and to a balanced and healthful ecology;</p> <p>b. Provide a simplified, speedy, and inexpensive procedure and increased access to environmental justice and for the enforcement of rights and duties recognized</p>		<p>Since 2010, the SC and PHILJA embarked on strengthening its "green" initiatives by implementing an environmental capacity building program across 16 regions in partnership with UNDP, DENR and BFAR, with the main objective of addressing the needs of judges and other stakeholders to properly address environmental cases using the Rules, prioritizing</p>	<p>Provide support for the capacity enhancement of community level stakeholders</p> <p>Conduct studies/ documentation of emerging models and EJ practices/ applications by the courts, enforcement pillars, and communities</p> <p>Draw out policy and program recommendations to further enhance Envi Justice and its implementation</p>

³ Forum on Environmental Justice, 2009

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			<p>under the Constitution and environmental laws;</p> <p>c. Ensure the just administration of remedies and redress for violations of environmental laws; and,</p> <p>d. Enable the courts to effectively and efficiently manage and monitor environmental cases.</p> <p>The Rules and other "green" initiatives of the SC form part of the global action to address environmental issues worldwide. It embodies the judiciary's commitment towards upholding the environmental rights and development of people and the environment pursuant to the Philippine Constitution and the <i>Johannesburg Principles on the Role of Law and Sustainable Development</i> adopted during the <i>Global Judges Symposium on Sustainable Development</i> in 2002.</p> <p>The capacity building for ARMM was conceptualized in July 2011 during a meeting between representatives from DENR, PHILJA, ARMM Regional Government and the PMO. At the time, a need to develop a</p>		<p>"hotspot" regions in the country. A Training of Trainers was held from 24 to 25 February 2011 in preparation for this task.</p>	

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			<p>customized training course that will suit their unique condition was identified. In the same year, a research was conducted by PHILIAS to aid/guide the designing of the training with support from the then UNDP justice project. Series of meetings followed to (2) organize the ARMM Research Core Group composed of PHILJA (as Chair), DENR, ARMM Regional Government and DILG and (2) draw up the plan and timetable for undertaking the research. The main tasks of the Core/Research Group involved the (1) review of the ARMM Laws and National Laws in relation to environment and (2) drafting a research paper in preparation for designing a training module specifically for the law enforcers in ARMM. The components of the Research Paper are the following:</p> <p>Part 1: Situational Analysis- Problem areas on mining, logging, land laws, ancestral domain and other environment related issues.</p> <p>Part 2: Administrative Structure of ARMM in relation to National Government – processing complaints on violations of environmental laws</p>			

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			<p>Part 3: Court cases related to the environment</p> <p>Part 4: Development of a Training Module specifically for ARMM</p> <p>From 29-31 August 2012, the 17th <i>Multi-sectoral Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases</i> was held for the ARMM Region. It represents the completion of the training program for all regions as targeted. A total of 61 participants from ARMM received the training.</p> <p>A total of 61 participants received the training coming from the following:</p> <ul style="list-style-type: none"> > Judges – 4 > Clerk of Courts - 4 > Public Attorney’s Office (PAO) – 4 > DENR – 28 > PNP - 6 > Phil. Coast Guard – 4 > BFAR - 6 > NGO - 3 > LGUs - 1 > Academe -1 <p>Gender distribution: Of the total number of participants, 54 (88.52%) are male, while 7 (11.48%) are</p>			

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		Activity 1.2 Production, launching and piloting of the Citizen's Handbook on Environmental Justice in ARMM	female The training incorporates Islamic beliefs and principles concerning the treatment, protection and conservation of the environment.			
		A principal researcher had been engaged to undertake this in the person of Atty. Maria Generosa T. Mislang, Executive Director of Tanggol Kalikasan, an NGO. The work involves the development of the citizen's handbook, conduct of a workshop/writeshop, research, and validation workshop. Writeshop: Last 16 October 2012, a writeshop was conducted at the Pearl Manila Hotel in Manila, involving resource persons from ARMM Regional Trial Court Branch 8, PENRO of Lanao del Sur, BFAR-ARMM, Tawi-Tawi Provincial Police and the Al Kalifah Foundation. The writeshop had the following objectives: 1. Identify the stakeholders of EJ 2. Identify the roles/specific mandate of different stakeholders in the implementation of EJ in ARMM				

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			<p>3. Identify the jurisdiction of quasi-judicial bodies and their respective procedures on the implementation of EJ.</p> <p>4. Map out the guiding principles/laws/rules and regulations in the implementation of EJ in ARMM</p> <p>5. Identify recommendations</p> <p>Drafting of the Handbook. The Principal Researcher conducted research on the policies and procedures relative to the implementation of environmental laws in ARMM. A draft of the handbook has been completed in full write up consisting of around 95 pages. It also contains Islamic perspectives from the Qu'ran and ARMM environmental laws.</p> <p>Validation. To finalize the handbook, it was subjected to a validation workshop held last 29 November 2012 at the Mallberry Suites Business Hotel in Cagayan de Oro City. Participants invited, other than the identified agencies of the ARMM Regional Government, also include the head chairman Ulama, a grand mufti, representative from the King</p>			

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			<p>Faisal Center for Islamic, Arabic and Asian Studies of Mindanao State University, and World Wildlife Fund (WWF).</p> <p>The final version of the handbook is expected to be completed by end of December.</p>			
		<p>Activity 1.3 Establishment of forum and linkages between national, regional and local stakeholders for regular dialogue, collaboration and updating on Environmental Justice</p>	<p>Open forums during the series <i>Multi-sectoral Capacity Building on Environmental Laws and the Rules of Procedure for Environmental Cases</i> provided the opportunity for stakeholders to openly discuss concerns and provide input to further strengthen the cause of Environmental Justice among the Pillars of the Criminal Justice System. These discussions are being documented to serve as focal point to broaden the linkages of stakeholders at the national, regional and local level.</p> <p>The Supreme Court also participated in two International Forum to share our experience on Environmental Justice. The first event was the Global South-South Development (GSSD) Expo held from 19 to 23 November 2012 in Vienna, Austria.</p>			

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			<p>The Court was invited to serve as panel presenter on its experience on Environmental Justice during the mini-forum on Environment and Legal Empowerment. The Philippine experience will serve as one of the case studies presented together with China, Latin America and Caribbean, Arab regions and Africa. The Court authorized Mr. Dennis Russell D. Baldago, Chief Judicial Reform Program Officer of its Program Management Office and SC-UNDP Focal Person to make the presentation.</p> <p>The 2nd event was the 2nd Round Table Discussion of ASEAN Chief Justices on Environment from 7 to 9 December 2012 at Ayer Keroh, Melaka, Malaysia. The delegation was headed by Chief Justice Maria Lourdes P. A. Sereno, Justice Presbitero J. Velasco, Jr., Deputy Court Administrator Raul B. Villanueva, and Assistant Court Administrator Jenny Lind Aldecoa-Delorino. The RTD will define the roadmap of ASEAN Judiciaries on the Environment.</p>			

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		Activity 1.4 Review of the Rules of Procedure for Environmental Cases	To be implemented in December 2012 together with Activity 1.3			
		Output 2. Capacities of the marginalized sector to access justice strengthened Activity 2.1 Packaging and production of legal empowerment modules for fisherfolk, street vendors, and small transport workers	Deferred for 2013	This activity has been deferred pending final technical editing and imprimatur of SC for its production.	The three (3) learning modules are intended to equip the IS with basic legal knowledge such as the salient points of all international and domestic laws providing them legal protection, action guides to documenting violations, processes and requirements involved in the pursuit of legal remedies, and sources of legal aid / services and	Pursue tie up with networks working with the 3 marginalized sector .Also link up with possible resource centers for replication/ localization and capacity development on LEP

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		<p>Output 3: Mechanism established for the interface of the informal and formal justice systems</p>	<p>Deferred for 2013.</p>	<p>This activity had been deferred due to lack of sufficient time given that the 2012 AWP was only approved for implementation in the 3rd Quarter of 2012. The impeachment of the Chief Justice and appointment of a successor affected the Court's day-to-day operations which includes implementation of its reform activities.</p>	<p>Update on partnership support. It is estimated that the number of IS in the country are about 20M.</p>	
		<p>Activity 3.1: Pilot testing and documentation of mediation of indigenous peoples (IP) cases in selected sites</p>				

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		Output 4. Effective Project Management Activity 4.1 Management and operations of the Project	The Technical and Finance Focal Persons for the Project designated since 2009 have been retained. They are joined by a Project Management Specialist providing complementary technical assistance.			

PROJECT PERFORMANCE – IMPLEMENTATION ISSUES

The Supreme Court went through an unusual experience beginning December 2011 until May 2012 with the impeachment of then Chief Justice Renato C. Corona. It was not until August 2012 that a new Chief Justice, the Hon. Maria Lourdes P. A. Sereno, was appointed by the President. The impeachment process and the transition of leadership have affected the normally smooth implementation of the Project. It was not until the 3rd Quarter of 2012 that the Annual Work Plan was approved and implemented.

RATING ON PROGRESS TOWARD RESULTS

Given the new UN Development Assistance Framework (UNDAF) for 2012 to 2018, it is too early to provide an indicative progress of the Project towards achieving the development outcome of the UNDAF.

RECOMMENDATIONS

- a. Continue and sustain convergence and collaboration efforts among the stakeholders. Convergence enables the institutions concerned to rationalize, synchronize, and harmonize its actions towards a common objective.
- b. Project outputs should be monitored against the Criminal Justice System – Medium Term Development Plan and the Philippine Development Plan.

- c. Project experience, gains and outputs should be mainstreamed to the Justice Sector Coordinating Council (JSCC) being a major body and mechanism for strategizing and strengthening the coordination among the member-agencies of the justice sector.



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