

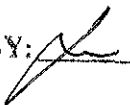
FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
P. S. R. No. 384

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED POOR RANKING OF THE PHILIPPINES IN THE RULE OF LAW INDEX AND THE NEED TO IMPROVE THE TRUST RATING IN COUNTRY'S JUSTICE SYSTEM

WHEREAS, the Constitution, Article 2, Section 5 mandates: "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, the Universal Declaration on Human Rights, Article 2 provides: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty";

WHEREAS, based on the Rule of Law Index designed by the World Justice Project (WJP), the Philippines scored very poorly and placed last among all seven Southeast Asian countries in the areas of law and security (.57), fundamental rights (.50), and effective criminal justice (.53);

WHEREAS, the country ranked sixth, or second to the last in the region in the areas of Limited Government Power (.57), Absence of Corruption (.45), Clear, Publicized and Stable laws (.43), Regulatory Enforcement (.52) and Access to Civil Justice (.48) and the Philippines ranked fifth in only one category: Open Government (.38);

WHEREAS, the country landed in the bottom half of the rankings, even when compared to similarly situated countries, particularly in the areas of stable laws, access to justice, and corruption;

WHEREAS, Indonesia, Philippines and Thailand generally ranked significantly lower than the wealthier countries in the region;

WHEREAS, the research examined practical situations in which a rule of law deficit may affect the daily lives of ordinary people;

WHEREAS, the Rule of Law Index is a new quantitative assessment tool to offer a detailed and comprehensive picture of the extent to which countries adhere to the rule of law in practice;

WHEREAS, the Index consists of ten factors and 49 sub-factors, organized under four principles constituting WJP's definition of the rule of law which means that the government and its officials and agents are accountable under the law; the laws are clear, publicized, stable, fair, and effectively protect fundamental rights, including the security of persons and property;

WHEREAS, rule of law is also defined as the process by which the laws are enacted, administered and enforced is accessible, fair and efficient; access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representatives, and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve;

WHEREAS, the study defined government powers as the means by which the powers of the government are limited and by which they are held accountable under the law;


WHEREAS, in its study on corruption, the report considered three forms of corruption, namely bribery, improper influence by public or private interests, and misappropriation of entrusted public resources;

WHEREAS, these principles are derived from a wide array of international sources that enjoy broad acceptance across countries with vastly differing social, cultural, economic, and political systems;

WHEREAS, the rule of law is the cornerstone to improving public health, safeguarding participation, ensuring security, and fighting poverty;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the poor ranking of the Philippines in the Rule of Law Index and the need to improve the trust rating in the country's justice system.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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