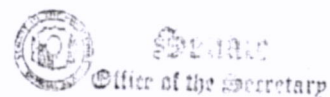


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 MAY -2 P 1 :23

SENATE
S. No. 1791

RECEIVED BY 

Introduced by Senator Grace Poe

AN ACT
STRENGTHENING THE COURT SYSTEM IN THE PHILIPPINES, AMENDING
FOR THE PURPOSE SECTIONS 4 AND 8 OF REPUBLIC ACT NO. 6758,
OTHERWISE KNOWN AS THE 'COMPENSATION AND POSITION
CLASSIFICATION ACT OF 1989', AS AMENDED, THEREBY EXEMPTING THE
JUDICIARY FROM SAID LAW

Explanatory Note

During the last hearing conducted by the Senate Committee on Finance as regards the proposed 2018 budget of the Judiciary¹, Supreme Court Associate Justices Diosdado Peralta and Samuel Martires, among others, addressed questions of Senators regarding the low disposition rate of cases of our courts in their dockets and the continuous non-filling of vacant positions in the Judiciary.

The above-mentioned high magistrates of the Judiciary explained that vacant positions remain unfilled because the qualified applicants tend to move away from the Judiciary's heavy workload on a daily basis from Monday to Friday, considering that the salaries and/or compensation is just the same, if not even better, in other agencies of the government with manageable or even lesser daily workload. Simply put, the extraordinary heavy workload in the Judiciary is no longer commensurate with the salaries/compensation stated in the Salary Standardization Law. Said

¹ Deliberation of the Senate Committee on Finance on the Supreme Court Re: Budget of the Judiciary, on an even date.

Supreme Court justices, therefore, delved into the possibility of exempting the Judiciary from the coverage of the Salary Standardization Law for them to be able to make the salaries/compensation for their personnel at par with their day-to-day heavy workload.

Data and statistics from the Office of the Court Administrator (OCA) in relation to our courts' disposition rate, the influx of cases docketed in courts, and the number of unfilled positions in courts are very enlightening. The pertinent data and statistics submitted by the Court Management Office-OCA are as follows:

Court	Number of Criminal Cases Docketed (2016)	Number of Decisions Promulgated for Criminal Cases (2016)	Number of Civil Cases Docketed (2016)	Number of Decisions for Civil Cases Promulgated (2016)
Regional Trial Courts (RTC)	215,401	28,312	56,691	50,952
Metropolitan Trial Courts	56,315	7,581	10,571	9,330
Municipal Trial Courts in Cities	55,399	7,116	16,546	17,159
Municipal Trial Courts	17,092	3,030	5,373	5,400
Municipal Circuit Trial Courts	15,045	2,669	6,288	6,427
Sharia District Courts	0	0	53	20
Sharia Circuit Courts	1	0	845	716
TOTAL	359,253	48,708	96,295	90,004

From the above data and statistics, for 2016 alone, 359,253 CRIMINAL CASES were docketed and/or filed in our courts and only 48,708 cases were decided. This does not even include the backlog of docketed criminal cases from all the previous years. For 2016, the monthly average disposition rate of criminal cases is only 1.87% for Regional Trial Courts, 6.22% for Metropolitan Trial Courts, 5.22% for Municipal Trial Court in Cities, 4.64% for Municipal Trial Courts, and 5.75% for Municipal Circuit Trial Courts. Said numbers speak for themselves and the sorry state of the resolution of criminal cases in the Philippines.² It must be noted, though, that the data does not reflect the impact of the Revised Guidelines for Continuous Trial of Criminal Cases (A.M. No. 15-06-10-SC) that became effective in September 2017.

As regards CIVIL CASES, for 2016, 96,295 were docketed and/or filed in our courts and 90,004 cases were decided. Just the same, it does not include the backlog from previous years. For 2016, average monthly disposition rate for civil cases is a bit better than in criminal cases: 3.62% for Regional Trial Courts, 11.21% for Metropolitan Trial Court, 14.36% for Municipal Trial Court in Cities, 10.99% for Municipal Trial Courts, 10.59% for Municipal Circuit Trial Courts, 2.21% for Sharia District Courts, and 6.26% for Sharia Circuit Courts.³

Similarly, numerous "drug courts" had been flooded with cases involving violations of the Dangerous Drugs Act. For 2015, a total of 53,872 drugs cases were filed and/or docketed – on the average, 4,489 cases were filed and/or docketed per month. For 2016, there were 91,632 cases – on the average, that was 7,636 cases per month. For 2017, there were 81,153 cases or 6,762 cases per month on the average.

As regards COURT HEARINGS, it is good to look at our courts in Quezon City, which is supposed to be one of the cities with the highest number of courts and docketed cases in the country. Again, based from data and statistics from the Court Management Office-OCA, Regional Trial Courts in Quezon City conducted a total of

² From the Statistical Reports Division of the Court Management Office of the Office of the Court Administrator.

³ *Ibid.*

28,636 court hearings for the year 2016 (an average of 2,386 hearings per month and an average of at least 596 hearings per week which leads to a daily average of at least 119 hearings). Those are just court hearings in Quezon City's Regional Trial Courts alone. The workload for drafting of decisions, resolutions, court processes, service of documents and papers emanating from the court, transcription of stenographic notes of court hearings, record-keeping and archiving, legal research, administrative work, etc. are not yet even considered.

In addition, justices' and judges' role in the justice system seem to be necessarily coupled with hazard and/or danger as they pen decisions convicting dangerous criminals and resolving controversies of various natures.

Courts have been created to improve the administration of the country's wheels of justice but not even said courts are easily filled due to the obvious reason that being a judge or justice is not an easy task and it is even coupled with danger and sometimes mired with the public perception that justices and judges are easily "swayed" by external factors.

On vacancies in the Judiciary, a look at the judges and personnel of the lower courts, as of 15 September 2017, would explain the slow dispensation of justice by Philippine courts:

Court	Authorized Positions	Filled Authorized Positions	Unfilled Authorized Positions
Regional Trial Courts	18,911	12,311	6,600
Regional Trial Courts (Family Courts)	2,974	0	2,974
Metropolitan Trial Courts	2,478	1,394	1,084

Municipal Trial Courts in Cities	3,974	2,992	982
Municipal Trial Court	3,363	2,642	720
Municipal Circuit Trial Courts	4,213	3,283	930
Sharia District Courts	60	43	17
Sharia Circuit Courts	459	242	217
TOTAL	36,431	22,907	13,524⁴

Of the total 36,431 AUTHORIZED POSITIONS for judges and personnel that should man our courts in the Philippines, only 22,907 of said positions, or about 62.8%, are filled. Around 37.2% of said authorized positions remain to be unfilled, many for years already – that is more than one third (1/3) of the authorized and supposed manpower of the Philippines’ courts which remains to be UNFILLED. This certainly is one of the biggest factors resulting to the very slow grinding of the wheels of justice in the Philippines.

To reiterate, officials of the Judiciary during the last hearing of their proposed 2018 budget conducted by the Senate Committee on Finance stated that the salaries and/or compensation of their personnel is not commensurate to the taxing and exacting workload of the courts under the Judiciary.

Salaries in government service had been standardized by R.A. 6758 – the “Compensation and Position Classification Act of 1989”. According to R.A. 6758, it is the declared policy of the State to “provide equal pay for substantially equal work and to base differences in pay upon substantive differences in duties and responsibilities, and qualification requirements of the positions.”⁵ R.A. 6758 covers ALL positions in the government, including government-owned or controlled

⁴ Data and statistics from the Office of Administrative Services of the Office of the Court Administrator.
⁵ Section 2 of R.A. 6758.

corporations and government financial institutions, as well as Judicial Branches and Constitutional Commissions.⁶

Exemption from the coverage of R.A. 6758, however, had been sought and achieved in the past. In 2011, for example, R.A. 10149, or the "GOCC (Government-Owned and Controlled Corporations) Governance Act of 2011", was enacted with a declared policy of the State to ensure that "reasonable, justifiable and appropriate remuneration schemes are adopted for the directors/trustees, officers and employees of GOCCs and their subsidiaries to prevent or deter the granting of unconscionable and excessive remuneration packages".⁷ As such, the Compensation and Position Classification System for GOCC's was placed under the Governance Commission for GOCCs (the "GCG"), subject to the approval of the President.⁸ Fast forward to 2016, GOCCs were even exempt under the coverage of E.O. No. 201 ("Modifying the Salary Schedule for Civilian Government Personnel and Authorizing Grant of Additional Benefits for Both Civilian and Military and Uniformed Personnel") and they were likewise recognized to be exempt from the coverage of R.A. 6758.⁹ All these had arisen from the State's policy to "actively exercise its ownership rights in GOCCs and to promote growth by ensuring that operations are consistent with national development policies and programs."¹⁰

With the above discussion as the backdrop, this measure seeks the exemption of the Judiciary from R.A. 6758, and all related salary standardization laws, rules or orders, based on the very principle upon which R.A. 6758 was based – that there should be "equal pay for substantially equal work" and there should be "differences in pay upon substantive differences in duties and responsibilities". It is clear that the workload in the Judiciary, especially in the lower courts, is certainly not the same compared to other agencies in the Government or even in the private sector.

⁶ Section 4 of R.A. 6758.

⁷ Section 2 of R.A. 10149.

⁸ Sections 8 and 9 of R.A. 10149.

⁹ Section 13 of E.O. No. 201.

¹⁰ Section 2 of R.A. 10149.

Given the very meager disposition rate of our courts, the huge influx rate of docketed cases per year, the more than 1/3 unfilled positions of its supposed total manpower, the recent developments in the justice system such as the creation of commercial courts, drug courts, family courts and other courts of general jurisdiction, the recent guidelines for "continuous trial", the unparalleled heavy workload in the Judiciary, it is high time to exercise legislative power in relation to the exemption of the salaries of the men and women in the Judiciary from salary standardization laws. If exemption from salary standardization laws was granted to GOCCs without constitutionally-mandated fiscal autonomy, all the more that it should likewise be granted to the Judiciary which enjoys constitutionally-mandated FISCAL AUTONOMY.¹¹

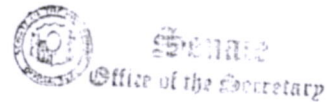
All told, this proposed legislative measure recognizes the extraordinarily heavy workload of the Judiciary's personnel and seeks to improve the slow-paced administration of justice in our courts, attract and retain competent and qualified personnel in the Judiciary, and to give more meaning to the Judiciary's supposed fiscal autonomy by exempting the Judiciary from the coverage of salary standardization laws, rules, orders and the like.

Immediate approval of this Bill is earnestly sought based on the above reasons and discussion.


GRACE POE


¹¹ Section 3, Article VIII of the 1987 Constitution.

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AN ACT
STRENGTHENING THE COURT SYSTEM IN THE PHILIPPINES, AMENDING FOR THE PURPOSE SECTIONS 4 AND 8 OF REPUBLIC ACT NO. 6758, OTHERWISE KNOWN AS THE 'COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989', AS AMENDED, THEREBY EXEMPTING THE JUDICIARY FROM SAID LAW

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. – *Short Title* – This Act shall be known as the “Judiciary Exemption
2 from Salary Standardization Act of 2018”.

3 Sec. 2. – *Declaration of Policy* - It is hereby declared the policy of the State to
4 provide equal pay for substantially equal work and to base differences in pay upon
5 substantive differences in duties and responsibilities, and qualification requirements
6 of the positions.

7 The State duly recognizes and adheres to the Constitutional mandate that the
8 Judiciary shall enjoy fiscal autonomy. Moreover, the State acknowledges that the
9 appointment of all officials and employees of the Judiciary, as well as the
10 administrative supervision over all courts and personnel thereof, are within the
11 Constitutional powers of the Supreme Court.

12 It is the State’s desire to enable the Supreme Court to effectively fill the
13 authorized positions in the Judiciary by enhancing and strengthening its fiscal

1 autonomy for it to set salaries commensurate to the extraordinary workload of its
2 courts and personnel thereof.

3
4 Sec. 3. – *Exemption of the Judiciary from Salary Standardization Laws* –
5 Section 4 of Republic Act (R.A.) No. 6758, otherwise known as the “Compensation
6 and Position Classification Act of 1989”, as amended, shall be amended to read as
7 follows:

8 Section 4. *Coverage.* – The Compensation and Position Classification
9 System herein provided shall apply to all positions, appointive or elective,
10 on full or part-time basis, now existing or hereafter created in the
11 government, including government-owned or controlled corporations and
12 government financial institutions.

13 The term “government” refers to the Executive[,] **AND** the Legislative
14 [and the Judicial] Branches and the Constitutional Commissions and shall
15 include all, but shall not be limited to, departments, bureaus, offices,
16 boards, commissions, [courts,] tribunals, councils, authorities,
17 administrations, centers, institutes, state colleges and universities, local
18 government units, and the armed forces. The term “government-owned
19 or controlled corporations and financial institutions” shall include all
20 corporations and financial institutions owned or controlled by the National
21 Government, whether such corporations and financial institutions perform
22 governmental or proprietary functions.

23 **THE JUDICIAL BRANCH OF THE GOVERNMENT SHALL BE**
24 **EXEMPTED FROM THIS ACT AND ALL OTHER SALARY**
25 **STANDARDIZATION LAWS. PURSUANT TO SECTION 5 (6) AND**
26 **(6) AND SECTION 6 OF ARTICLE VIII OF THE CONSTITUTION, AS**
27 **WELL AS SECTION 3 OF THE SAME ARTICLE, THE SUPREME**
28 **COURT, IN COORDINATION WITH THE DEPARTMENT OF BUDGET**
29 **MANAGEMENT, SHALL TAKE CHARGE IN FORMULATING THE**
30 **COMPENSATION AND POSITION CLASSIFICATION SYSTEM IN**
31 **THE JUDICIARY.**

32 Sec. 4. – Section 8 of R.A. No. 6758 shall be amended to read as follows:

1 Section 8. *Salaries of Constitutional Officials and their Equivalent.* –
2 Pursuant to Section 17, Article XVIII of the Constitution, the salary of the
3 following officials shall be in accordance with the Salary Grades indicated
4 hereunder:

5 The Department of Budget and Management is hereby authorized to
6 determine the officials who are of equivalent rank to the foregoing
7 Officials, where applicable, and may be assigned the same Salary Grades
8 based on the following guidelines:

9 GRADE 33 – This Grade is assigned to the President of the Republic of the
10 Philippines as the highest position in the government. No other position in
11 the government service is considered to be of equivalent rank.

12 GRADE 32 – This Grade is limited to the Vice-President of the Republic of
13 the Philippines and those positions which head the Legislative [and
14 Judicial Branches] **BRANCH** of the government, namely: the Senate
15 President[,] **AND THE** Speaker of the House of Representatives [and
16 Chief Justice of the Supreme Court]. No other positions in the
17 government service are considered to be of equivalent rank.

18 GRADE 31 – This Grade is assigned to Senators and Members of the
19 House of Representatives and those with equivalent rank as follows: the
20 Executive Secretary, Department Secretary, Presidential Spokesman,
21 Ombudsman, Press Secretary, Presidential Assistant with Cabinet Rank,
22 Presidential Adviser, National Economic and Development Authority
23 Director General, [Court of Appeals Presiding Justice, Sandiganbayan
24 Presiding Justice,] Secretary of the Senate, Secretary of the House of
25 Representatives, and President of the University of the Philippines.

26 An entity with a broad functional scope of operations and wide area of
27 coverage ranging from top level policy formulation to the provision of
28 technical and administrative support to the units under it, with functions
29 comparable to the aforesaid positions in the preceding paragraph, can be
30 considered organizationally equivalent to a Department, and its head to
31 that of a Department Secretary.

1 GRADE 30 – Positions included are those of Department Undersecretary,
2 Cabinet Undersecretary, Presidential Assistant, Solicitor General,
3 Government Corporate Counsel, [Court Administrator of the Supreme
4 Court], Chief of Staff of the Office of the Vice-President, National
5 Economic and Development Authority Deputy Director General,
6 Presidential Management Staff Executive Director, Deputy Ombudsman,
7 [Associate Justices of the Court of Appeals, Associate Justices of the
8 Sandiganbayan,] Special Prosecutor, University of the Philippines
9 Executive Vice-President, Mindanao State University President, Polytechnic
10 University of the Philippines President of and President of other state
11 universities and colleges of the same class.

12 Heads of councils, commissions, boards and similar entities whose
13 operations cut across offices or departments or are serving a sizeable
14 portion of the general public and whose coverage is nationwide or whose
15 functions are comparable to the aforecited positions in the preceding
16 paragraph, may be placed at this level.

17 The equivalent rank of positions not mentioned herein or those that may
18 be created hereafter shall be determined based on these guidelines.

19 The Provisions of this Act as far as they upgrade the compensation of
20 Constitutional Officials and their equivalent under this section shall,
21 however, take effect only in accordance with the Constitution: Provided,
22 That with respect to the President and Vice-President of the Republic of
23 the Philippines, the President of the Senate, the Speaker of the House of
24 Representatives, the Senators, and the Members of the House of
25 Representatives, no increase in salary shall take effect even beyond 1992,
26 until this Act is amended: Provided, further, That the implementation of
27 this Act with respect to Assistant Secretaries and Undersecretaries shall
28 be deferred for one (1) year from the effectivity of this Act and for
29 Secretaries, until July 1, 1992: Provided, finally, That in the case of
30 Assistant Secretaries, Undersecretaries and Secretaries, the salary rates
31 authorized herein shall be used in the computation of the retirement

1 benefits for those who retire under the existing retirement laws within the
2 aforesaid period.

3 Sec. 5. – *Implementation* – The Supreme Court, in coordination with the
4 Department of Budget Management, shall formulate the compensation and position
5 classification system in the Judiciary within one hundred twenty (120) days from the
6 effectivity of this Act.

7 Sec. 6. – *Separability Clause* – If for any reason any section or provision of this
8 Act is declared to be unconstitutional or invalid, the other sections or provisions
9 thereof which are not affected thereby shall continue to be in full force and effect.

10 Sec. 7. – *Repealing Clause* – All laws, decrees, orders, rules or regulations or
11 parts thereof inconsistent with the provisions of this Act are hereby repealed,
12 amended, or modified accordingly.

13 Sec. 8. – *Effectivity* – This Act shall take effect after fifteen (15) days upon
14 publication in a newspaper of general circulation.

15 *Approved.*