

# CORRUPTION CONTROL IN THE CRIMINAL JUSTICE SYSTEM OF THE PHILIPPINES

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## I. CONTEMPORARY STATE OF CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM

The present state of the Philippine criminal justice system is indeed alarming and the alarm is continuously intensifying in spite of concerted efforts to initiate reforms, from both the government and non-government sectors of the community, which are equally driven by a unified purpose to establish a criminal justice system that is truly responsive to the escalating demands of the changing times.

According to the latest Transparency International Corruption Perception Index, the Philippines ranked 121 in 2006 and 131 in 2007 of the 180 countries included in the survey. However, the Philippines' score was unchanged at 2.5 points with 10 indicating lowest level of perceived corruption. The slippage was due to the fact that other countries have made improvements in dealing with corruption.

The guarantees provided under the Constitution, *inter alia*, the right to life, property and liberty; free access to courts and adequate legal assistance; the so-called Miranda rights; the right to counsel; presumption of innocence; and the right to a speedy trial, remain but melodious words if significant attention is given to the state of the criminal justice system nowadays.

However, the guarantees under the fundamental law presuppose the assumption that the State affords every citizen the ways and means by which he or she can claim these rights and make them effective. Lamentably, almost always, a legal proceeding is required in order to avail of and fully realize these constitutional rights.

In view of the prevailing conditions besetting the criminal justice system, it is no wonder that President Gloria Macapagal-Arroyo herself has initiated concrete action on the issue of corruption and has included in her principal schema of government socio-economic concerns on social justice.

Various studies, both foreign and local, have yielded almost one and the same conclusion out of several issues, concerns and ramifications attending the mortifying criminal justice system. Blame has always been ascribed to inefficiency, incompetence, irresponsibility, gender-insensitivity and insufficient budgetary allocations. It appears, however, that the enumeration of the factors crushing the criminal justice system can be simplified as it boils down into one factor, *id est*, corruption.

Corruption contemplates abuse of public trust; the act of bribing; the act of profiteering; immorality, breach of faith, breach of trust, bribery, complicity; and conduct involving graft.

Technically, it is an act done with intent to give advantage inconsistent with official duty and the rights of others. It includes bribery, but is more comprehensive because an act may be corruptly done though the advantage to be delivered from it is not offered by another. (*Magallanes vs. Provincial Board*, 66 Official Gazette 7839).

It involves certain acts of unduly taking advantage of one's office for personal gain or purpose at the

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expense of another and in blatant violation of the law. Significantly, the end result of the dilemma continuously intensifies and reinforces public apathy and consequent loss of faith in the country's justice system. It creates the impression that justice is for the powerful and mighty, bright and wealthy people who have the capacity to buy justice at their price and in the way that favours them, or in any manner that satisfies the palate of the corruptor.

It is with apprehension that the writer admits, for once, that the tentacles of graft and corruption which have penetrated the offices and agencies of the bureaucracy, coupled with political will, bring us a substantial leap in crossing over this agonizing dilemma.

Consequently, every individual playing a vital role in spinning the wheels of justice shares is responsible and liable for removing corruption from the system. It is therefore imperative to closely scrutinize every sector involved in the system and analyse the complexity of corruption in every phase of the system. Inevitably, a review and evaluation of performance of the five pillars (enforcement, prosecution, court, correction and community) of the criminal justice system would help us disclose and depict how corruption has entwined itself into the system in our country. But more importantly, the study would help and guide us in identifying key solutions to prevent if not totally eliminate this nefarious system.

## II. LEGAL FRAMEWORK

### A. Salient Philippine Laws on Corruption

#### 1. The 1987 Constitution

It is a declared policy of the Philippine Government to fight against corruption and the same is clearly laid down in its fundamental law mandating that "the state shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption" (Sec. 28, Art. II, 1987 Constitution). This policy is founded upon the fundamental principle that a public office is a public trust, whereupon all civil servants must serve the people with "utmost responsibility, integrity, loyalty, and efficiency, act with patriotism, and justice, and lead modest lives" (Sec. 1, Art. XI, id).

#### 2. The Revised Penal Code

The Revised Penal Code is a compilation of laws, which defines and penalizes acts such as those committed by public officials in the performance of their official duties. Some of the offences are: direct bribery (Art. 210); indirect bribery (Art. 211); qualified bribery (Art. 211-A); corruption of public officials (Art. 212); frauds against the public treasury (Art. 213); and malversation of public funds or property (Art. 217).

#### 3. The Law on Forfeiture of Ill-Gotten Wealth

Republic Act No. 1379 was enacted by the Philippine Congress to authorize the forfeiture in favour of the State of property of a public officer or employee which is manifestly out of proportion to his or her salary as such public official or employee and his or her other lawful income and the income from his or her legitimately acquired property.

In this respect, the 1987 Constitution finds support under Art. XI Sec. 15 thereof which states that "[t]he right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches, or estoppel."

#### 4. The Anti-Graft and Corrupt Practices Act

Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, is the most important anti-corruption law in the country. It essentially punishes acts constituting betrayal of public trust since the offenders, as public officials and employees, are mandated to protect government coffers and fiscal resources.

First and foremost, the law penalizes not only the acts or omission enumerated therein, but also such other acts that may lead to the commission of graft and corrupt practices. The acts punishable under the law are in the nature of *malum prohibitum* so that it is the commission of the acts defined by law and not its character or effect that determines violation thereof.

Secondly, it applies to public officers and to private individuals alike; not only in cases where there is a proven conspiracy, but also when a private citizen induces a public official or employee into committing any of the prohibited acts.

Finally, the anti-graft law is stern and punishes acts which do not necessarily result in damage or injury to the government so that the mere act of persuading, inducing or influencing another public officer to perform an act constituting violation of rules and regulations duly promulgated by competent authority constitutes a violation of the law.

#### 5. Other Related Laws

##### (i) *Republic Act No. 6713*

Under Section 7 of the law (Republic Act No. 6713), otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, there are other prohibited acts and transactions, at least analogous to those enumerated under the anti-graft law and similarly imposed upon public servants.

##### (ii) *Executive Order No. 292*

The order is also known as the Administrative Code of 1987 which provides for 30 disciplinary grounds against any officer or employee of the civil service. While the matter is administrative in character, it equally serves as a checking and monitoring mechanism on bureaucratic malfeasance, misfeasance and nonfeasance.

##### (iii) *Republic Act No. 7080*

This particular legislation defines and punishes the act of plunder; amassing, accumulating or acquiring ill-gotten wealth by a public officer in the aggregate amount or total value of at least PHP50M (Philippine pesos) through the means or schemes enumerated therein.

### **B. Relevant Agencies and Institutions**

There are courts, tribunals and government agencies that undertake the implementation and/or investigation and adjudication of corruption cases which may be criminal, civil or administrative in nature.

Specifically, the Office of the Ombudsman is mandated to serve as the lead agency in the total war against graft and corruption with the ultimate objective of restoring integrity and efficiency in the government service.

#### 1. Office of the Ombudsman

The Ombudsman functions as the key implementer of anti-graft and corruption laws, specifically for gathering of evidence, and investigation and prosecution of corruption cases involving high-ranking public officials.

##### (i) *Mandate*

As protectors of the people, they shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants it in order to promote efficient service of the Government to the people (Section 13, R.A. No. 6770; see also Section 12 Article XI of the 1987 Constitution).

The Ombudsman shall give priority to complaints filed against high ranking government officials and/or those occupying supervisory positions, complaints involving grave offences as well as complaints involving large sums of money and/or properties (Sec. 15, R.A. No. 6770).

##### (ii) *Five Major Functions*

###### (a) Power of Investigation

Firstly, the Ombudsman has the power to investigate anomalies and inefficiency. The Ombudsman exercises unique prerogatives. He or she does not only conduct the preliminary investigation of cases which may be filed at his or her Office. He or she even has the authority to conduct the fact-finding investigation to gather evidence.

The Ombudsman administers oaths, issues subpoena and takes testimony in any investigation or inquiry. He or she has the power to punish for contempt and grant immunity to any vital witness. He

or she is the only authority other than the courts of law who may order the examination of the bank accounts of a person under investigation pursuant to Section 15 of the Republic Act No. 6770.

(b) Prosecution

The Philippine Ombudsman has the power to prosecute graft cases before the courts. He or she has the power of Special Prosecutor to prosecute cases in the Sandiganbayan. He or she deputizes regular prosecutors to handle cases in the regular courts.

(c) Administrative Adjudication

The Ombudsman also holds disciplinary authority over all elected and appointed officials, except members of Congress and the judiciary and impeachable officials. With this power, he or she may conduct administrative proceedings and impose administrative penalties where the erring public official or employee may be suspended or dismissed from public service.

(d) Public Assistance

Under the law, he or she may require public officials and employees to render assistance to the people. This traditional role of all Ombudsman systems is very much performed by the Philippine Ombudsman such that it has acted upon and successfully secured relief in multiple instances of requests.

(e) Graft Prevention

The Office of the Ombudsman embraces the study and adoption of ways and means to minimize, if not to eliminate, opportunities for committing corruption, and to heighten people's awareness of the evils and solicit their co-operation in its eradication.

## 2. The Sandiganbayan

### (i) Jurisdiction

The *Sandiganbayan* is also known as the anti-graft court, which exercises exclusive original jurisdiction over criminal cases committed in relation to office involving

- (a) High-ranking officials (i.e. public officers assuming positions with salary Grade 27 or higher);
- (b) Members of Congress and officials thereof classified as Grade 27 and higher under the Compensation and Position Classification Act of 1989;
- (c) Members of the judiciary, without prejudice to the provisions of the Constitution;
- (d) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution;
- (e) All other national and local officials classified as Grade 27 and higher under the Compensation and Position Classification Act of 1989;
- (f) Other offences or felonies committed by the public officials and employees mentioned in subsection (a) of this section in relation to their office;
- (g) Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A.

### (ii) Procedure

The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the *Sandiganbayan*. In all cases elevated to the *Sandiganbayan* and from the *Sandiganbayan* to the Supreme Court, the office of the Ombudsman, through its special prosecutor, shall represent the people of the Philippines except in cases filed pursuant to Executive Orders Nos. 1, 2, 14 and 14-A.

“In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.”

“Any provision of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offence charged shall at all times

be simultaneously instituted with, and jointly determined in, the same proceeding by the *Sandiganbayan* or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, that where the civil action had heretofore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the *Sandiganbayan* or the appropriate court, said civil action shall be transferred to the *Sandiganbayan* or the appropriate court as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned.”

### 3. The Commission on Audit

This is a constitutional body possessing the power, authority and duty to examine, audit and settle funds and accounts pertaining to government.

### 4. The Civil Service Commission

The Civil Service Commission (CSC) is the central personnel agency of the Philippine government. One of the three independent constitutional commissions with adjudicative responsibility in the national government structure, it is also tasked with rendering final arbitration in disputes and personnel actions on Civil Service matters.

#### *(i) Responsibility*

Recruitment, building, maintenance and retention of a competent, professional and highly motivated government workforce truly responsive to the needs of the government's client - the public.

### 5. Regular Courts

In corruption cases involving low-ranking officials, defendants are prosecuted before the regular courts, i.e. Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts, depending on the gravity of the offence charged. In these cases, the Prosecutors of the Department of Justice (DOJ) are deputized by the Ombudsman to handle them.

### 6. Presidential Commission Against Graft and Corruption (PCAGC)

The Commission, acting as a collegial body, shall have the authority to investigate or hear administrative cases or complaints against all presidential appointees in the government and any of its agencies or instrumentalities (including members of the governing board of any instrumentality, regulatory agency, chartered institution and directors or officers appointed or nominated by the President to government-owned or controlled corporations or corporations where the government has a minority interest or who otherwise represents the interests of the government), occupying the positions of assistant regional director, or an equivalent rank, and higher, otherwise classified as Salary Grade 26 and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758).

In the same manner, the Commission shall have jurisdiction to investigate a non-presidential appointee who may have acted in conspiracy or may have been involved with a presidential appointee or ranking officer mentioned in this subsection. The Commission shall have no jurisdiction over members of the Armed Forces of the Philippines and the Philippine National Police.

### 7. Disciplining Authorities

This can be achieved under special laws and bodies, e.g. the National Police Commission (NAPOLCOM) for members of the police force.

### 8. The Presidential Commission on Good Government

The Presidential Commission on Good Government (PCGG) is a special body with quasi-judicial functions created under Executive Order No.1 issued by President Corazon C. Aquino on February 28, 1986. Three basic tasks have been entrusted to the Commission:

- (i) the recovery of ill-gotten wealth accumulated during the Marcos regime;
- (ii) the investigation of such cases of graft and corruption as may be assigned by the President; and
- (iii) the adoption of institutional safeguards to prevent corruption in Government.



The principal activity of the Commission is to prosecute cases vigorously to a successful conclusion: the recovery of ill-gotten wealth and, pending judicial determination of the ownership thereof, to preserve and maintain the assets. More particularly, its functions are: to gather, evaluate and investigate information regarding ill-gotten wealth to issue sequestration, hold and/or freeze, or to lift such orders as may be warranted to preserve, maintain and prevent dissipation of sequestered assets to file and prosecute cases whether civil or criminal for the recovery of ill-gotten wealth to promote sustained efficiency and maintain the integrity of all its transactions.

### **C. Strategies to Effectuate Anti-Graft and Corruption Laws**

The strategies in combating corruption encompasses the measures and procedures employed by all other disciplining authorities as it basically responds to the requirements of due process. The two general strategies are: the Confrontational Approach and the Psychological Approach.

#### **1. Confrontational Approach**

The confrontational approach involves administrative and criminal investigation and prosecution of erring government officials and employees. It includes the fact-finding and intelligence operations within the limits of the law to build-up the evidentiary requirement against the corrupt public servant. In the Philippine setting, it is only the Ombudsman, other than the courts of law, which may order the examination of the bank accounts of persons under investigation, pursuant to Republic Act No. 6770, Sec. 15.

From case build-up, there ensue two possible actions. The first is the conduct of preliminary investigation for the purpose of prosecuting a criminal action. If the evidence gathered during the fact-finding operations would sufficiently support the case, a criminal action shall be filed with the *Sandiganbayan* for high-ranking officials and in the ordinary courts for low-ranking officials.

The second possible action is the conduct of formal administrative investigation by the Ombudsman, the appropriate head of the agency or of any other specialized disciplining authorities as may be appropriate in the matter.

During the conduct of administrative proceedings, respondents may be ordered to suffer preventive suspension up to a maximum duration of six months at the discretion of the disciplining authority and when warranted by the attending circumstances.

If found guilty of the charge, the public official or employee is given a penalty of reprimand, fine, suspension or dismissal from the public service with forfeiture of benefits.

#### *(i) Outline of Procedure at the Office of the Ombudsman*

1. Filing of complaint
2. Evaluation of complaint
3. Fact-finding investigation (in administrative cases)
4. Preliminary Investigation
5. Formal Administrative Investigation (in administrative cases)
6. Issuance of Resolution
7. Notice to Parties
8. Motion for Reconsideration
9. Appeal
10. Execution

#### *(ii) Outline of Procedure at the Regular Courts*

1. Prosecution of Offences
2. Preliminary Investigation
3. Arrest/Apprehension
4. Posting of Bail
5. Arraignment
6. Pre-trial
7. Trial
8. Judgment

9. Motion for New Trial/Reconsideration
10. Appeal
11. Execution

## 2. Psychological Approach

This strategy of combating corruption in the criminal justice system involves the revival and/or revitalization of sound moral values known and acceptable to the community. It considers the cultural and social orientation of individuals in a particular locality or of the entire nation in general. It addresses the psyche of the Filipinos as it goes directly to the milieu of Philippine society.

Moral values that are fitting and becoming of a public servant are cultivated among the citizenry to strengthen them against temptations of wrongdoing or misdeeds both in the bureaucracy and in the community. This approach harmonizes with the government's effort to renew public servants' moral personality which calls for internal transformation of the public servant.

Through constant dialogues, seminars and workshops on team-building, values formation, gender-sensitivity, social interaction and other related activities, the members of the bureaucracy are kept conscious and aware of their vital role and solemn missions as civil servants. In this manner, the entire community is being mobilized to co-operate, participate and initiate moves on their own and do their humble share in fighting corruption in the system.

One important point must be emphasized: the success of fighting against corruption in the criminal justice system can not and shall not be measured by the number or percentage of prosecuted cases and/or the number of convicting verdicts for we might have been prosecuting innocent persons while the real culprits remain at liberty to repeat their misdeeds.

In summation, the confrontational approach bulldozes the wrongdoing and provides for redress of the wrong done to the people of the Philippines. While the psychological approach, it restores and strengthens the sound moral values of the Filipino people. This tactic does not only mean to provide redress for the wrong done to the State which is only analgesic in nature. Instead, in a wider perspective, it provides for a lasting solution to the issues on graft and corruption by transforming the moral make-up of the people. It is founded upon the principle that corruption cannot take root in an environment of integrity.

### **III. SPECIFIC PROBLEMS RELATING TO CORRUPTION IN THE CRIMINAL JUSTICE SYSTEM**

#### **A. Problems in the Prosecution and Trial Stage**

The problems that impede the intelligent investigation, prosecution and trial of corruption cases, as well as in the effective implementation of corruption laws, may generally include the following:

1. Lack of proper co-ordination between the investigators, prosecutors, judges and witnesses;
2. Technical inefficiency of key players (law enforcers, judges and prosecutors) in the performance of their respective duties;
3. Obsolete rules of procedure that entail unnecessary delay in the disposition of cases;
4. Lack of effective community-based information and education programmes and activities;
5. Involvement of partisan politics in the appointment of law enforcers, prosecutors, judges and other related personnel that disturbs the integrity and autonomy of the judiciary and other agencies;
6. Meager budgetary allotment to court personnel, law enforcers, prosecutors and public defenders;
7. Inadequacy of training in investigation and handling of evidence;
8. Non-appearance of witnesses during preliminary or formal investigation;
9. Failure of police officers to effect arrest. (Frequently, police officers file a return stating that the warrant of arrest could not be served for the reason that the accused could not be contacted at the given address despite several attempts);
10. Difficulty of securing the presence of police witnesses and when they do appear in court, they are not prepared;
11. Lack of communication skills when testifying.

The role of prosecutors in the criminal justice system cannot be underrated. Their cardinal duty is to uphold and advance the interests of the State within its jurisdiction. It is their task to evaluate police reports, resolve cases by filing the appropriate information and/or dismissing the complaint. In this respect, they are considered to have a wider range of discretion than any other police officer considering that the prosecutor may keep the case or otherwise open it for further action. However, as a working institution, the prosecution system has its own flaws and problems.

On the other hand, the Public Attorney's Office (PAO) offers a wider range of legal services, particularly to indigent parties. While it remains an attached agency of the Department of Justice for purposes of programme and policy co-ordination, the PAO principally functions as defence counsel in civil, criminal and/or administrative cases. This circumstance however poses a serious challenge to the integrity of the criminal justice system itself since public prosecutors are under the direct control and supervision of the Secretary of the Department of Justice.

### **B. Additional Problems at the Trial Stage**

The Supreme Court of the Philippines stands at the zenith of the judicial department of the government. Under its control and supervision is the *Sandiganbayan*, an Anti-Graft Collegiate Court which has the exclusive jurisdiction to try and decide criminal cases involving violations of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019), The Law on Forfeiture of Ill-Gotten Wealth (Republic Act no. 1379), and certain defined crimes under the Revised Penal Code. The regular courts on the other hand handle corruption cases similarly under the same control and supervision of the Supreme Court. The most common problems encountered at the trial stage are the following:

- (i) clogging/congestion in case dockets;
- (ii) delay in the disposition of cases;
- (iii) inefficiency and incompetence of judges/hearing officers;
- (iv) obsolete rules of procedure;
- (v) a lack of sound database management systems.

### **C. Citation of Related Cases**

#### **1. Judge Convicted of Taking a Bribe**

On 29 October 1999, the Office of the Ombudsman filed a case for Direct Bribery against a Municipal Trial Court Judge in San Fernando, Pampanga, the Philippines, after an entrapment conducted by the operatives of the National Bureau of Investigation (NBI). The entrapment was recorded by a television network. The judge allegedly received PHP5,000 of a PHP41,000 bribe to dismiss the case of the accused in a criminal case for theft and exhibition of indecent and obscene shows. After due notice and hearing, the *Sandiganbayan* (Anti-Graft Court) sentenced the judge to suffer the indeterminate penalty of six months and one day to two years, four months and one day of imprisonment.

#### **2. Court Upholds Ouster of Anti-Graft Lawyer**

This matter involves dismissal of a Special Prosecution Officer of the Office of the Ombudsman for gross neglect of duty after the commission of several acts of mishandling a number of criminal cases. The Office of the Ombudsman meted out the penalty of dismissal from service. The Special Prosecution Officer was accused of mishandling criminal cases involving two counts of malversation of public funds.

The *Sandiganbayan* stressed her ineptitude in prosecuting the case. Among other things, the anti-graft court noted that while the testimony of the lone witness was dependent on the testimony of other personalities, neither was presented by the prosecution to the court. There were even evidentiary gaps committed by the prosecution, particularly missing folders containing the inspection of accounts. Upon elevation of the case, the Court of Appeals upheld the propriety and legality of the dismissal.

### **D. Public Attorney's Office (PAO)**

The PAO is an agency under the umbrella of the Department of Justice. With the recent advent of Republic Act No. 9406, it was identified as an attached agency of the department for purposes of programme and policy co-ordination only. It has 16 regional and 258 district offices, which are usually found at the justice halls of cities and municipalities in the Philippines. In furtherance of its mandate, the PAO has a workforce of 1,048 lawyers and 852 support staff who are ready to serve the 34 million low-income Filipinos (39.9% of the



population) and are appearing before 2,258 courts nationwide, excluding appearances to quasi-judicial bodies.

Despite its meager budgetary allotment, the agency has managed to render a quality and responsive public service as it has been a recipient of the PASADA Award (Public Service Delivery Audit Activity) for its very good performance in extending free legal services to indigent clients. The Award was bestowed upon the PAO by the Civil Service Commission. In addition various awards, commendations and recognitions have been given to the agency's Chief Public Attorney, the Honourable Persida V. Rueda-Acosta, the most recent of which is the upcoming ceremonial awarding of the International Gusi Peace Prize in the Social Justice and International Humanitarian Law category.

The existence of the agency strengthens the sovereignty of the people as it provides immediate legal assistance to qualified clients including, but not limited to, case documentation for complaints against any public official. The increasing number of clientele accommodated and assisted by the PAO makes manifest the inevitable conclusion of the public's continuing trust in the agency known for its integrity and sincere public service.

In this way, the office offers its humble contribution in winning back the trust of the people in the government which had been destroyed by the nefarious consequences of corruption.

#### **IV. RECOMMENDATIONS**

In a general perspective, combating corruption requires development of sound moral values among the key players in the criminal justice system, coupled with a sincere political will to eliminate corrupt practices. In particular, we can enumerate some of the most prominent recommendations on the substantive, procedural and administrative issues besetting the criminal justice system.

##### **A. Recommendations on the Substantive Issues**

- (i) Legislative measures to integrate and systematize the co-ordinative functioning of courts with court-related agencies;
- (ii) Enhancement of mandatory continuing legal education;
- (iii) Criminalization of the private sector's involvement in corrupt practices;
- (iv) Exemption of corruption cases from bail and ineligibility of the accused to any form of executive clemency;
- (v) Review of laws that tend to cause delay in the disposition of cases and simplification of the rules of procedure;
- (vi) Promotion of community-based campaigns against corruption; and
- (vii) Enhancement and promotion of fiscal autonomy and integrity of the judiciary.

##### **B. Recommendations on the Procedural Issues**

- (i) Adoption of a continuous trial system; and
- (ii) Maximizing the use of the pre-trial stage.

##### **C. Recommendations on the Administrative Issues**

- (i) Inculcation and internalization of the case-flow management system;
- (ii) Increase funds for more competitive compensation for personnel performing key roles in the criminal justice system;
- (iii) More effective disciplinary action against judges and court personnel;
- (iv) Elimination of partisan politics in the appointment of judges, prosecutors, law enforcers and other government personnel involved in the justice system; and
- (v) Relevant training for judges, prosecutors, public attorneys and law enforcers.