

## **CORONA**

*(By Midas Marquez)*

It is an honor to join you here today to form a collective stand we in government together with our partners from private sector have taken to recognize and remedy the problems of the imprisoned also known as persons deprived of liberty or PDL.

We can all agree that this summit has long time coming. Let us apply to our prisoners who have long been crying for reforms. Unfortunately, for our country which is struggling on the successful implementation of its justice reform programs, many have pointed out that our meager resources should first address problems such as lack of manpower, infrastructure, and others over the problem of improving the state of our jails.

This has no doubt contributed to the continued marginalization of PDLs in our country.

As of September 2010, 62,556 are detained in the facilities of the Bureau of Jail Management and Penology nationwide. These people fit the official definition of PDL. \_\_\_\_\_ in the summit, detainees, prisoners, probationers, parolees, and conditional pardonees or people under the custody and supervision of an institution by order of judicial, administrative or any other authority because of crimes or legal offenses.

It is worthy to note that of these 62,556, 58,669 or 94 percent are detainees or those awaiting final judgment from our courts. Thus, an overwhelming majority of those imprisoned in our jails are not serving sentences but simply awaiting them.

As such, statistics don't end there. The average congestion rate in the country stands at 292 percent. Region 10 posted the highest with congestion rate of 621 percent followed by Region 4-A at 533 percent. NCR is third at 410 percent.

Of our 17 regions, only one region, Region 13 posted a congestion rate of below 100percent.

With such overpopulation in our jails, it's easy to see how poor and difficult the living conditions are of our inmates. The solution to this equation, however, can be simple or instantaneous. While this problem is primarily lodged with the correctional system, the other four pillars of the criminal justice system are equally responsible if we want solutions that are comprehensive and sustainable.

According to a report made by the Asian Development Bank last year, the main \_\_\_\_\_ of our justice system remains its limited resources. Together with the judiciary, justice sector agencies have been suffering decline in budgets in real terms. The same report notes that between 2000 and 2007 the total budget in real terms for non-judicial

agencies have dropped five percent with the DOJ suffering the biggest at least at 15 percent.

For our part, the judiciary has continued to fail against share of more than one percent of the national budget. Because of these limited resources, most of the meager budgets is used to fund salaries of personnel, having less for maintenance and operating expenses, and most of the time nothing for capital investment.

Giving these difficulties in meeting the day-to-day expenses, we are even more unable to institutionalize critical reforms such as the much needed modernization of equipment and technology, including an efficient management information system.

While some pilot programs on these areas have been launched, it has been difficult to make them operational on the national level due to the same problem of insufficiency of resources and non-\_\_\_\_\_ of institutional capability.

The ADB report also points the \_\_\_\_\_ perception delay in the translation of justice as another main problem of the justice sector.

The judiciary for its part has long been banking congested courts. Thus, we have initiated many reforms both short and long term to declog dockets, such as the enhanced "Justice on Wheels" program or E-JoW, the further training of our judges and court personnel, the institution of the alternative module dispute resolution, and the disenfranchisement of the Office of the Court Administrator, to name a few.

The E-JoW in particular, since it was relaunched by Chief Justice Reynato S. Puno in July 2008 until the end of his term in May 2010, has resulted in the release of some 3,545 detainees and the provision of free medical and dental assistance to 9,056 inmates as well as free legal aid to some 2,279 prisoners.

These numbers are more than enough to convince me to continue the program. Plus, since June 2010, 1,536 more have been released, 967 more were given free medical and dental aid, while 244 extended legal assistance.

After seeing how it has benefited both the courts and our detainees, I believe the E-JoW's effectivity in addressing our twin problems of court and jail congestion. Accordingly, we tend to bring the E-JoW on the parts of the country where our jails and courts continue to be congested.

Sadly, while we have posted gains for these efforts, their success continues to be heard by \_\_\_\_\_ block of judges in courtrooms. To this day, while the ideal ratio of a judge to population is at 1 to 1,000, our current ratio stands at 1 judge for every 50,000 Filipinos.

In addition, our small and sometimes even zero allocation for capital outlay has prevented us from creating infrastructure that would house courtrooms in other parts of the country where some can be found on top of police stations and groceries.

But judicial delay is not shared by the judiciary alone. According to the ADB report, long delays also characterize stages of police inquiry, preliminary investigation, and the enforcement of judgment. Thus, the report notes that even if the courts \_\_\_\_\_ minutes imposed by our Constitution, the perception of delay in the administration of justice would continue.

With these two main problems of limited resources and capabilities, the solutions of increasing the former and strengthening the latter emerge as natural remedies. But as the overlying theme of this summit goes, equally necessary is the remedy of change of mindset in reforming our justice sector, particularly the correctional system.

The Revised Penal Code, our main source of penal laws is founded in the philosophy of retributive justice. As defined by Neil Scholar, retribution is a just consequence of an offender's behavior; it is punishment in its purest form.

Thus, in our penal laws, punishment's varied severity, kind and application to let the punishment defeat the crime. Consequently, our penal institutions are designed for punishment particularly for incarceration.

But modern thinking has changed the way we look at crimes and criminals. Thus, since the enactment of the Revised Penal Code in 1930, special penal laws have been enacted to supplement it and in consonance with plural approaches to justice specifically the philosophy of restorative justice. Under this view, crimes about harm done to individuals in the community and addressing crime meaningfully require the response to be focused on that harm.

Restorative justice similarly stresses that focus on punishment is an inadequate response to addressing the harms done by crime. Rather holding an offender accountable for the harms caused, *than he actively participate, he call to make amends* for the wrong done is of far greater value than punishment.

This philosophy also posits the community as an integral component in the administration of justice as the community as a whole not the justice system isolation has the ability and resources to effectively respond to the harms of crime and ultimately restore victims and integrate offenders into the community as self-willed, old contributing members of society.

Fortunately, our country has started adopting this view. Thus, we have laws such as the Juvenile Injustice Welfare Act of 2006 with the focus on diversion programs and rehabilitation with jail as the last resort for troubled youths.

These are only some of the issues that this summit aims to address. In our quest of giving dignity to the lives of PDLs. With you I share the hope that this first step will be followed by many others or as many as it takes until we achieve the improvement of the life of the imprisoned in particular, and ultimate justice for all sectors in general.

As a co-pillar, the courts pledge to join you as you take each step towards the restoration of dignity and justice for all. I wish all of us good luck in this endeavor.  
Thank you.