

ERASMUS+ Capacity Building for
Legal and Social Advancement in
the Philippines (CALESA)



Corruption vis-à-vis the Filipino Culture, and the Judiciary's Plan of Action

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Supreme Court

KNOWLEDGE SHARING ON THE MODERNIZATION OF CRIMINAL LAW (*Seminar-Workshop*)

June 6 to 9, 2022, The Judicial Academy Philippines, Tagaytay City



Proposed Amendments to the Code of Professional Responsibility and Accountability

PREAMBLE

Ethics is the experiential manifestation of moral standards. The observance of these standards of conduct is both a function of personal choice and formal compulsion. A lawyer is ideally ethical by personal choice. A code of ethics expressly adopted represents society's consensus and dictate to conform to a chosen norm of behavior that sustains the community's survival and growth. Non-compliance merits sanctions.

The Code of Professional Responsibility and Accountability, as an institutional imperative, is meant to foster an environment where ethical conduct performs a dedicated role in the administration of justice. In particular, the standards embodied in the Code of Professional Responsibility and Accountability uniquely address the characteristics of the Filipino lawyer as an amalgamation of influences and moorings, *i.e.*, familial, cultural, religious, academic, political, and philosophical. Inherently a social being, the Filipino lawyer inevitably develops and cultivates relations, preferences and biases. The conscious adoption of ethical standards that accounts for such relationships and personal choices balanced against the demands of right and justice is envisioned to govern and regulate these personal choices and make them consistent with the institutional objectives.



Proposed Amendments to the Code of Professional Responsibility and Accountability

PREAMBLE (continuation)

The existence of a free and an independent society depends upon the recognition of the concept that justice is based on the rule of law.

As a guardian of the rule of law, every lawyer, as a citizen, owes allegiance to the Constitution and the laws of the land; as a member of the legal profession, is bound by its ethical standards in both private and professional matters; as an officer of the court, assists in the administration of justice; and as a client's representative, acts responsibly upon a fiduciary trust.

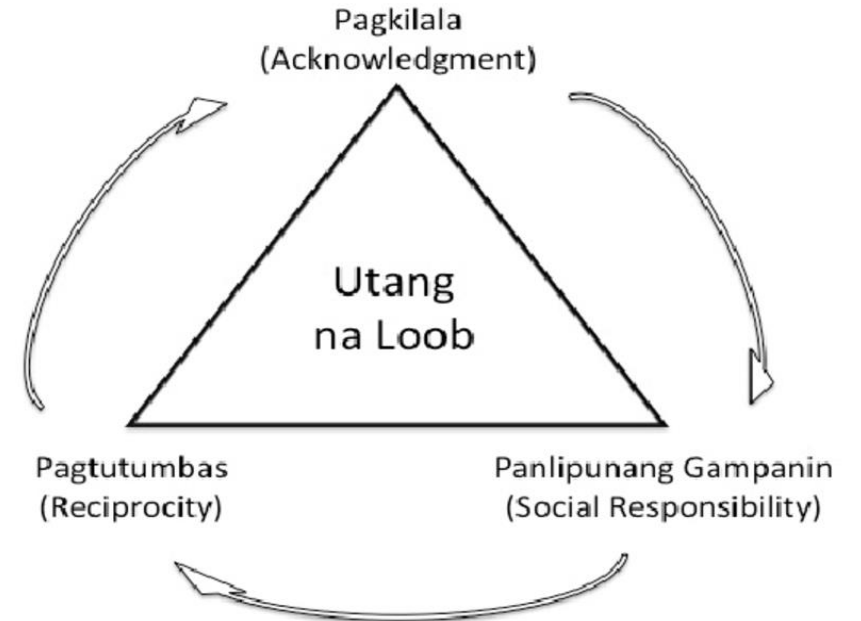
An ethical lawyer is a lawyer possessed of integrity. Integrity is the sum total of all the ethical values that every lawyer must embody and exhibit. A lawyer with integrity, therefore, acts with independence, propriety, fidelity, competence and diligence, equality and accountability.



Ethics and Culture

Ingrained in the culture of the Filipino people are the following values:

- “*Utang na loob*” or “debt of gratitude,” which pertains to the indebtedness that a person feels after s/he is helped by another person.
- “*Padrino*” culture, which pertains to the value system where instead of being merit-based, a person is granted a favor through nepotism or cronyism.



While corruption is widely known, it is taboo

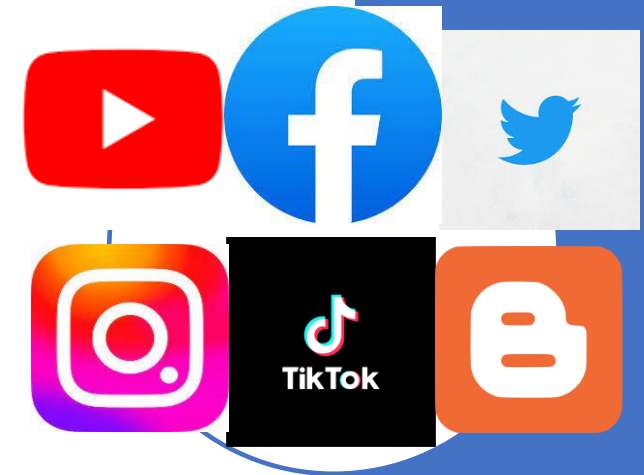
Because of the aforementioned cultural underpinnings, while corruption is endemic, few people want to talk about it, much less testify against the person charged of corruption, *e.g.*, staff members will most likely be unwilling to testify against their boss who helped them gain employment or assisted them in one way or another.



Proliferation of social media

In comparison to Spain, where the media was among the key factors in shedding more light on corruption, in the Philippines, social media was at the forefront of the dissemination of information to the public.

In recent times, more Filipinos have turned to social media to share information on issues relating to corruption, *e.g.*, perceived corruption in the government relating to different projects.



Access to social networking sites have become more widely available to most Filipinos due to the advancement of technology, *e.g.*, free or affordable data offered by telcos for social media.



Philippine population as of 1 May 2020: 109,035,343

(Source: <https://psa.gov.ph/population-and-housing>)



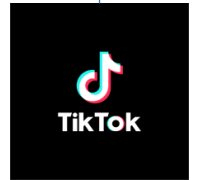
Facebook users as of September 2021: 70 million (approximately 64% of the population)

(Source: <https://www.newsweek.com/counties-most-people-facebook-1624911>)



Youtube users in early 2022: 56.5 million (approximately 51.8% of the population)

(Source: <https://datareportal.com/reports/digital-2022-philippines>)



TikTok users aged 18 and above in early 2022: 35.96 million (approximately 33% of the population)

(Source: <https://datareportal.com/reports/digital-2022-philippines>)



Criticisms against the use of social media to disseminate information

Content is not verified – “fake news”

Often results to trial by publicity. If the accusations are found to be false, how do the affected person/s recover?



The Supreme Court's plan of action to address corruption within the judiciary

Promulgation of A.M. No. 18-01-05-SC, which has for its subject the creation of the Judicial Integrity Board and the Corruption Prevention and Investigation Office, for the purpose of promoting integrity and curbing corruption within the Judiciary

Revision of Code of Professional Responsibility, which codifies the canons and values that must be followed by lawyers

Summit on Ethical Responsibility



THANK YOU.

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