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## JUDICIAL EDUCATION FOR JUDGES

(A message to be delivered by CHANCELLOR ROSMARI D. CARANDANG at NOVA University, Lisbon on Sept. 21, 2022)

### Introduction

Good morning.

I am Justice Rosmari Declaro Carandang, Chancellor of the Philippine Judicial Academy and a retired member of the Supreme Court of the Philippines.

The Philippine Judicial Academy was first established in 1996 by administrative creation of the Philippine Supreme Court in cognizance of its constitutional mandate that members of the judiciary must be of proven competence, integrity, probity, and independence, and acting upon a keen recognition of the vital role of judicial education to a competent and efficient judiciary. The Academy, also better known as PHILJA, was charged with formulating and implementing a continuing program of judicial education for justices, judges, court personnel, and lawyers. In 1998, or two years later, Congress granted recognition to PHILJA and passed its legislative charter — Republic Act No. 8557, declaring it a policy of the State to ensure an efficient and credible judiciary and institutionalizing PHILJA as a “*training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts.*”



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As a separate but component unit of the Supreme Court of the Philippines, PHILJA operates under the former's administration, supervision, and control.<sup>1</sup> Funding for PHILJA's operation, maintenance, and improvement forms part of the annual budgetary allocation of the Supreme Court of the Philippines.<sup>2</sup>

The Board of Trustees is the governing body charged to formulate and approve all policy proposals to keep with the general thrust of PHILJA. It is chaired by the Chief Justice of the Supreme Court of the Philippines, with the Senior Associate sitting as its Vice Chair. Its members are the PHILJA Chancellor; the Presiding Justices of the Court of Appeals, Sandiganbayan, and Court of Tax Appeals; the Court Administrator; the President of the Philippine Judges Association; the President of the Philippine Association of Law Schools; and a first level court judge appointed by the Board.

PHILJA's goal is to ensure that the judiciary is composed of individuals with proven competence, integrity, probity, and independence<sup>3</sup> and the task is to provide and implement a curriculum for judicial education, and to conduct seminars, workshops, and other training programs designed to upgrade their legal knowledge, moral fitness, probity, efficiency, and capability.<sup>4</sup>

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<sup>1</sup> Sec. 3, Republic Act. No. 8557 otherwise known as "An Act Establishing the Philippine Judicial Academy, Defining Its Powers and Functions, Appropriating Funds Therefor, and for Other Purposes.

<sup>2</sup> *Id.*, Sec.16.

<sup>3</sup> Sec. 7(3), Art. 8, 1987 Philippine Constitution.

<sup>4</sup> *Supra*, note 2.



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As it stands, the Philippine Judiciary is structured in this wise: at the helm is the Supreme Court currently led by Chief Justice Alexander G. Gesmundo where he is joined by 14 Associate Justices. On the appellate level, 99<sup>5</sup> justices comprise the Court of Appeals, the anti-graft court known as the Sandiganbayan, and the Court of Tax Appeals. At the forefront of the Philippine Judicial System, where more than 2,000 sitting judges are stationed nationwide, are the first level courts — more commonly referred to as Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts — and the second level courts also known as Regional Trial Courts.

The Shari'a Circuit Courts, the counterpart of the Municipal Circuit Trial Courts, are established in certain municipalities in Mindanao. Equivalent to Regional Trial Courts in rank are the Shari'a District Courts, established in certain provinces in Mindanao. These 2 are courts of limited jurisdiction which govern and enforce the Code of Muslim Personal Laws of the Philippines.

Court personnel holding various roles and positions all requiring regular programs of judicial training number to more than 23,000 nationwide.

In accomplishing its enormous task as the sole training arm of the Supreme Court for the entire Judiciary, PHILJA relies heavily on the dedication of its pool of educators — a *Corps of Professorial*

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<sup>5</sup> Court of Appeals – 1 Presiding Justice and 68 Associates Justices, Sandiganbayan – 1 Presiding Justice and 20 Associate Justices, and Court of Tax Appeals – 1 Presiding Justice and 8 Associate Justices .



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*Lecturers*, which is composed of retired and incumbent Judges and Justices, learned academicians, and esteemed law practitioners. The PHILJA Academic Council, which is composed of chairpersons of the various curricular departments, considers, develops, and approves training programs and activities, and sets out policies for these programs.

PHILA benefits from strong partnerships with other educational and training institutions and enters “*into consortium agreements for the development and implementation of programs for orientation, career development, and continuing judicial education.*”<sup>6</sup> Our long-standing programs done in collaboration with local and international development agencies, such as the American Bar Association Rule of Law Initiative (ABA-ROLI), Asian Development Bank (ADB), The European Commission, International Development Law Organization (IDLO), International Organization for Judicial Training (IOJT), The Asia Foundation (TAF), United States Agency for International Development (USAID), and United States Department of Justice Criminal Division – Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) have underscored the direct relationship between a credible, competent Judiciary and an efficacious judicial education.

In the formulation of its judicial education programs, PHILJA adheres to the philosophy that “*people are best served when the*

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<sup>6</sup> *Supra*, note 1. Sec. 11.



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*judiciary is independent and its members are women and men of proven competence, integrity, probity and independence.”*

In the enhancement of its judicial programs, PHILJA considers the following core areas:

- 1) Judicial Person, which deals with the values, attitudes, behavior as well as outlook of a member of the Bench;
- 2) Judicial Skills, which introduces the judges to management and administrative skills, as well as research, communication, and decision-writing skills that the judicial office demands; and
- 3) Judicial Knowledge, which engages the participants in a more intensive study of substantive and procedural law from a judicial perspective.

While PHILJA adopts an encompassing and holistic approach to judicial education, providing a continuing program of orientation and enhancement trainings to address not only the needs of judges but also that of the whole court complement, at the core of its training program is the judicial education of judges and its flagship program is the Pre-Judicature Program.

### The Pre-Judicature Program

The Pre-Judicature Program or PJP was conceptualized to fulfill the mandate of the Academy under its legislative charter which is *“to screen appointments to judicial posts, whether original or for promotion, to ensure that the constitutional requirements of*



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*competence, integrity, probity and independence are satisfied.  
(Section 7c, Article VIII, 1987 Constitution; Section 10, Republic  
Act No. 8557)*

As a matter of policy and practice, even where the PJP was not a prerequisite to applications for judgeship, PHILJA furnishes the names of participants who completed the PJP to the Philippine Judicial and Bar Council, a constitutionally-created body, which evaluates applicants for appointment to judicial posts and submits a shortlist of nominees to the President of the Philippines. It is from this shortlist of nominees that the President of the Philippines chooses and appoints the members of the judiciary.

The first PJP delivered was in June 2000 and up until its 5<sup>th</sup> reiteration in 2003, it had been delivered in 2 phases. This was integrated into a single program in the 6<sup>th</sup> PJP. Also, from 7<sup>th</sup> PJP until the 51<sup>st</sup>, participation was deemed compliance with the mandatory continuing legal education requirement for lawyers in the Philippines. Hence, during this period, the PJP did not exclusively cater to applicants for judicial posts. Many enrolled simply to earn credits for continuing education and not really to apply for judgeship.

While the PJP should really be a selection or qualifying process, its early character did not gear much on assessment but on training. In fact, its initial design was for the orientation and guidance of aspirants towards a career in the judiciary. It offered a judicial perspective on the law and introduced skills, attitudes,



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values and appropriate conduct called for by appointment to the Bench. The sessions were not really a repeat instruction of law school subjects but were still heavy on knowledge although aimed at providing for a more reflective, concept-based, philosophical approach to subjects.<sup>7</sup>

The original PJP ran 51 times since its inception but no matter how admirable its beginning was, it certainly had miles to go in achieving its full function as a screening tool. The PJP needed to evolve from a purely training activity into an assessment program and from an exercise of desirable value to a requirement that is mandatory. This change would fully align it to the legislative intent that *“only participants who have completed the programs prescribed by the Academy and have satisfactorily complied with all the requirements incident thereto may be appointed or promoted to any position or vacancy in the judiciary.”*

The 51<sup>st</sup> PJP in November 2019 was the last training-type program conducted before the pandemic struck. When it seemed like the world health crisis had put an abrupt end to PHILJA’s activities and dampened its work on revising its training programs, *a significant shift in the PJP was concretized and carried out in the middle of the pandemic.*

The vision of a judiciary that is independent, competent, effective, and enjoys public trust and confidence guided PHILA to a clear and meaningful direction even in the face of challenging

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<sup>7</sup> (Old PJP material)





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times. It was during the pandemic that PHILJA immediately took the prodigious task of overhauling the manner of delivering the PJP. PHILJA did not satisfy itself with merely converting its previous PJP to an online set up with lecturers teaching in front a video-camera. More than just accepting that the pandemic was here to stay, PHILJA took this adversity as an opportunity to revamp the program and its curriculum. Thus, PHILJA relentlessly sought ways to deliver a shorter, hybrid, blended program that would accommodate a greater number of participants without compromising the quality of assessments made.

On September 2021, PHILJA launched the new Pre-Judicature Program — a pre-judgeship or higher judgeship course and an assessment process to determine the suitability of participants for judicial posts. In the new PJP, participants are evaluated based on knowledge, skills, and ethics or values. Aside from providing information, participants are tested for aptitude in the application of such information in their 1) capacity for logical analysis, 2) faculty for communication, both oral and written, 3) management ability, and 4) competence, integrity, probity, and independence.<sup>8</sup>

The new approach to the PJP is outcomes-based education that is performance-oriented and competency-based. It employs adult education techniques and uses blended learning methodology, combining the self-paced technique of asynchronous learning and the real time interactive sessions of synchronous learning.

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<sup>8</sup> Concept Note.





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The new PJP is required of all aspiring to judicial posts whether in the first and second level courts, including the shari'a courts, or the appellate courts. It has a comprehensive individual assessment and employs a rubric scoring guide in evaluating performance rating. The numerical and descriptive performance ratings provided by PHILJA gives a full assessment report on the level of competence of PJP participants aspiring for a judicial post or promotion.

PHILA rolls out two types of pre-judicature programs: the PJP for Trial Courts, or what we simply call PJP, and the PJP for Appellate Courts or the PJPA. While the PJP assesses the participants suitability for a judicial post, the participants in the PJPA are additionally assessed on their skills to adjudicate and efficiently resolve cases on appeal, their ability to render appropriate rulings on hypothetical cases, and whether they have the requisite judicial attitude, temperament, and adaptability to work in a collegial set up. The demand for PJP for trial courts is significantly greater than the demand for PJPAs given the judicial vacancies in the first and second level courts.

I am proud to declare that since 2020, the Academy has increased the number of PJPs delivered per year by 86%. Despite this success, PHILJA incessantly re-evaluates its course content and program delivery to further improve this percentage. At present, the Academy is studying the feasibility of delivering 140% more PJPs since the start of the pandemic.



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After their appointment and before performing their judicial functions, judges must undertake an orientation seminar-workshop conducted by PHILJA.<sup>9</sup> From a juridical perspective, judges are engaged in a more intense study of substantive and procedural law. They are likewise introduced to management and administrative skills, as well as research, communication, and decision writing skills that their office demands. This approach is necessary due to the dual nature of their judicial functions — aside from adjudicating cases, judges are also expected to administratively manage their respective courts. Included in this preparatory program is the development of their values, attitudes, behavior, and mindset as members of the Bench.

### Moving forward

Aristotle said, *“To go to a judge is to go to justice, for the ideal judge is, so to speak, justice personified.”* Judges are a visible representation of the law and justice. Our mandate is to give them the proper judicial education and training to help reduce docket congestion and case delay. Timely and effective adjudication, coupled with the elimination of unreasonable delay in the resolution of cases, will help regain or maintain — as the case may be — the public’s trust and confidence in the Judiciary.

The Supreme Court of the Philippines recently released its policy document entitled, *“Justice Real Time: A Strategic Plan for Judicial Innovations 2022-2027.”* Under the Judiciary’s action

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<sup>9</sup> See A.M. No. 99-7-07-SC, July 20, 1999.



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blueprint, PHILJA is directed to undertake a curriculum review of its core and special programs to shift completely to outcomes-based education. This shift will create a “needs to results” equation as basis for the formulation and conduct of future programs.

*“At present, the PHILJA, including its policy-making-body, the Academic Council, operates within the traditional structure of individual departments along the lines of law subjects, rather than general competencies. It is significant to note that such divisions heavily rely on the divisions of the Philippine bar examinations.”*<sup>10</sup>

Such set-up is reminiscent of how our law schools teach law students, designed to enable law students to hurdle the bar examinations by testing their surface knowledge of the law. This set-up, however, does not effectively educate our judges whose *“professional needs are specialized but, fortunately, predictable.”*<sup>11</sup>

In response to the directive to shift to outcomes-based education, PHILJA recently rolled-out its enhanced PJP for trial courts. The pandemic taught PHILJA to leverage on technology and to be efficient. Participants still begin the program by studying asynchronously using pre-recorded videos and other online materials, supplemented by practical exercises.

For the synchronous phase — now conducted in a face-to-face set-up — participants take part in activities which are designed to

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<sup>10</sup> Maria Filomena D. Singh (Associate Justice, Supreme Court of the Philippines), *Wielding the Sword: The Role of Judicial Education in the Administration of Justice* (17<sup>th</sup> Metrobank Foundation Professional Chair in Law Lecture Series for 2021), p.13.

<sup>11</sup> Id.



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cross-cut issues, test their analytical skills, and assess their writing proficiency. Presently, one of these activities is a 3 part moot court case scenario, touching on all aspects of trial, with its own issues, incidents, and problems.

Subsequently, written exercises are given based on these 3 anchor cases. A fast round exercise is conducted where more than 50-100 questions are asked to gauge the participants' ability to think quickly on their feet dealing in substantive law and procedure. Finally, a post program evaluative test is administered to ensure that the participants have fully integrated their comprehension of both asynchronous and synchronous sessions.

The enhanced PJP promotes shared facilitation and responsibility between the academic departments while ensuring faster assessment of the participants' performance. This bodes well for the immediate demand for more PJPs for trial courts in our jurisdiction. The process of curriculum development is evolving, touching upon new developments in law, particularly in environment protection, trafficking, and gender-based education.

PHILJA envisions a holistic approach, recognizing that the judges' knowledge, skills, and ethical values and attitudes must be continuously nurtured during their tenure. To accomplish this, the Academy has adopted a ladderized training system tailor-fit to the learning level of the individual — from pre-judgeship, which is covered by the PJP, to advances in her judicial career, which is handled by the Judiciary Career Enhancement Program.



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Currently, PHILJA has the Learning Management System (LMS) which tracks the courses taken by members of the Judiciary. In the future, the LMS will make available courses appropriate for the individual judges — some courts are handling special cases like commercial courts, family courts, and environmental courts. It will be programmed to avoid repeating content already delivered in prior levels and build on the programs already taken instead. The LMS is projected to create a blueprint of our judges' judicial education in order to aid them in mapping out their desired judicial career path — whether they seek to be knowledgeable in all legal topics or they prefer to carve out a special skill in a particular field like family law, commercial law, and environmental law.

*“You can't improve what you can't measure.”* The outcomes-based shift needs an objective assessment mechanism to measure program efficiency. Our Supreme Court mandates 3 tiers for this new assessment mechanism. The Pre-Program Assessment analyzes the needs of the target trainees at least 3 months before the proposed program. The On-Site Program Assessment is made immediately after each session of the program. The Post-Program Assessment evaluates the utility of the program from the perspective of the trainee, trainers, peers and colleagues of the trainee, and court users.<sup>12</sup>

To live up to its name and fully function as an educational institution, PhilJA will establish, offer, and implement degree and

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<sup>12</sup> Id., pp. 16-18.



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certificate programs catering exclusively to judiciary officials, staff, and personnel. Their continued learning will expectedly translate to improved quality of the public service they render. This may be done through partnerships with other learning institutions or by amending PhilJA's charter, which will allow it to undertake an ambitious program to confer a master of laws degree.

We also enhance the knowledge, skills, and capabilities not only of judges — but also of other court employees, the judges' frontline partners in the timely dispensation of justice. Special modules are developed for each category of court-personnel, like clerks, interpreters, stenographers, legal researchers, sheriffs and process servers, and others.

We all know that COVID-19 is here to stay. Although science is finding ways to battle the virus, reality dictates we must progress to avoid a regress. We all need to forward lest we allow ourselves to stagnate. Like the rest of the world, PHILJA and the Philippine Supreme Court have accepted — if not embraced — the new normal. This is evident from the Philippine Judiciary's thrust of investing in information technology (IT) infrastructure and in training all personnel involved in all IT-related activities.

For our part, PHILJA is constantly seeking ways to improve the performance of its duty. Last July, PHILJA partnered with the International Development Law Organization and held a training of trainers where PHILJA interactively polished its skills in conducting hybrid blended sessions. We do not aim for bare minimum —



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meaning we teach not just to transfer knowledge. With the training of trainers, PHILJA sought to conduct seminar-workshops that will increase participant engagement and comprehension.

Indeed, “*out of adversity comes opportunity*” to innovate and be better.

Thank you and good morning.